

SOUTH AUSTRALIA

**STATE CLOTHING CORPORATION ACT 1977**

## STATE CLOTHING CORPORATION ACT, 1977

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State Clothing Corporation Act, 1977, No. 54 of 1977  
[Assented to 15 December 1977]<sup>1</sup>

<sup>1</sup> Came into operation 16 February 1978: *Gaz.* 16 February 1978, p. 540.

N.B. The amendments effected to this Act by the *State Clothing (Winding-Up) Amendment Act 1996* had not been brought into operation at the date of, and have not been included in, this reprint.

2.

**An Act to establish the State Clothing Corporation; to prescribe its powers and functions; and for purposes incidental thereto.**

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

**Short title**

1. This Act may be cited as the *State Clothing Corporation Act, 1977*.

**Commencement**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Arrangement**

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—ESTABLISHMENT OF CORPORATION

PART III—POWERS AND FUNCTIONS OF THE CORPORATION

PART IV—STAFF

PART V—FINANCIAL PROVISIONS

PART VI—MISCELLANEOUS.

**Interpretation**

4. In this Act, unless the contrary intention appears—

"the Corporation" means the State Clothing Corporation established under Part II of this Act.

PART II

ESTABLISHMENT OF CORPORATION

**Establishment of Corporation**

5. (1) There shall be a corporation entitled the "State Clothing Corporation".

(2) The Corporation—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;

(d) shall hold all its property for and on behalf of the Crown;

and

(e) shall be capable of acquiring or incurring any other rights or liabilities.

**Constitution of Corporation**

6. (1) The Corporation shall consist of five members appointed by the Governor of whom two shall be persons experienced in the manufacture of clothing or other textile goods.

(2) One member of the Corporation shall be appointed by the Governor to be chairman of the Corporation.

**Terms and conditions of office**

7. (1) A member of the Corporation shall be appointed for such term of office, not exceeding four years, and upon such conditions as the Governor may determine and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint a person to be the deputy of a member of the Corporation and that person while acting in the absence of that member, shall be deemed to be a member of the Corporation and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed the deputy.

(3) The Governor may remove a member of the Corporation from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

4.

(4) The office of a member of the Corporation shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice directed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Corporation becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

#### **Remuneration of members**

**8.** (1) The members of the Corporation shall be entitled to receive such remuneration and expenses as may be determined by the Governor.

(2) Any amount to which a member of the Corporation is entitled under this section shall be paid out of the funds of the Corporation.

#### **Quorum, etc.**

**9.** (1) Three members of the Corporation shall constitute a quorum of the Corporation.

(2) No business shall be transacted at a meeting of the Corporation unless a quorum is present.

(3) The chairman of the Corporation shall preside at a meeting of the Corporation at which he is present and, in the absence of the chairman from a meeting, the members of the Corporation present shall decide who is to preside at the meeting.

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

(5) Each member of the Corporation shall be entitled to one vote on a matter arising for determination by the Corporation and the person presiding at the meeting of the Corporation shall, in the event of an equality of votes, have a second or casting vote.

(6) The Corporation shall cause accurate minutes to be kept of the business conducted at meetings of the Corporation.

(7) Subject to this Act, the business of the Corporation shall be conducted in a manner determined by the Corporation.

#### **Validity of acts of the Corporation and immunity of its members**

**10.** (1) An act or proceeding of the Corporation shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Corporation shall be as valid and effectual as if the member had been duly appointed.

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

**Disclosure of interest**

**11.** (1) A member of the Corporation who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the Corporation shall not—

(a) fail to disclose the nature of his interest to the Corporation;

or

(b) take part in any decision of the Corporation with respect to that contract.

Penalty: Five hundred dollars.

(2) Any disclosure made in compliance with subsection (1) of this section shall be recorded in the minutes of the Corporation.

(3) A member of the Corporation who is an employee of the Corporation shall be deemed not to have any direct or indirect interest in any matter relating to employment by the Corporation by reason of the fact that he is an employee of the Corporation.

**Due execution of documents by the Corporation**

**12.** (1) A document is duly executed by the Corporation if it is sealed with the common seal of the Corporation and signed by two members of the Corporation.

(2) An apparently genuine document purporting to have been executed by the Corporation in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Corporation.

PART III

POWERS AND FUNCTIONS OF THE CORPORATION

**Powers and functions of the Corporation**

**13.** (1) The functions of the Corporation are as follows:—

- (a) to manufacture, supply and deliver clothing and any other textile goods required by any department, agency or instrumentality of the Government of the State or any body established under any Act of the State;
- (b) to repair clothing and any other textile goods for any department, agency or instrumentality of the Government of the State or any body established under any Act of the State;

and

- (c) to perform the functions referred to in paragraphs (a) and (b) of this subsection for any other person or body of persons approved by the Minister.

(2) The Corporation may for the purposes of performing its functions and discharging its duties under this Act—

- (a) acquire any interest in land, buildings, machinery, vehicles or any other fixed or movable plant or equipment;
- (b) carry out any construction, reconstruction or other works for the purpose of establishing, maintaining, altering or expanding any factory;
- (c) buy and sell textiles or any other materials required for the manufacture or repair of clothing or any other textile goods;
- (d) acquire any interest in any other personal property;
- (e) dispose of any interest in real or personal property;
- (f) enter into any contract or arrangement with any person, or body of persons, with respect to the performance of any part of its functions under this Act;
- (g) exercise such other powers as are conferred on it by or under this Act;

and

- (h) exercise such powers as may be reasonably necessary for, or in connection with, or incidental to, the effective performance of its functions and discharge of its duties under this Act.

**Corporation subject to general control and direction of Minister**

**14.** The Corporation shall, in the performance, exercise or discharge of its functions, powers or duties under this Act, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

**Minister to ensure that operations of Corporation do not appreciably affect operations of sheltered workshops**

**15.** The Minister shall give such directions to the Corporation (which shall be binding on the Corporation) as are in his opinion necessary to ensure that the operations of the Corporation do not appreciably reduce the volume of work performed by workshops or institutions to which section 89 of the *Industrial Conciliation and Arbitration Act, 1972-1975*, applies.

**Delegation by the Corporation**

**16.** (1) The Corporation may delegate to any member, or employee of the Corporation any of its powers or functions under this Act.

(2) Any delegation by the Corporation shall be revocable at will and shall not derogate from the power of the Corporation to act itself in any matter.



8.

PART IV

STAFF

**Officers and employees**

**17.** (1) The Corporation may appoint employees for the purpose of performing its functions under this Act.

(2) The provisions of the *Public Service Act, 1967-1975*, shall not apply to or in relation to any employee appointed by the Corporation.

**Superannuation**

**18.** The Corporation may enter into any arrangements under section 11 of the *Superannuation Act, 1974-1976*, with the South Australian Superannuation Board with respect to superannuation for any employee or class of employees of the Corporation.

**Corporation may make use of services of certain officers**

**19.** (1) The Corporation may, with the approval of a Minister controlling a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose related to the performance of the functions of the Corporation under this Act.

(2) The Corporation may, with the approval of an agency or instrumentality of the Crown, upon terms mutually arranged, make use of the services of an officer or employee of the agency or instrumentality.

PART V

FINANCIAL

**Financial management**

**20.** (1) The Corporation shall conduct its business in accordance with established principles of financial management and with a view to ensuring, as far as is consistent with the performance of its functions under this Act, that it is not carried on at a loss.

(2) Any profit shall be applied by the Corporation in such manner, which may include a payment into the General Revenue of the State, as the Minister, with the approval of the Treasurer and after consultation with the Corporation, may direct.

**Annual estimates**

**21.** (1) The Corporation shall in respect of each forthcoming financial year prepare and adopt estimates of its income and expenditure for that financial year.

(2) The Corporation may during any financial year prepare and adopt supplementary estimates for that financial year.

(3) The Corporation shall not expend any moneys otherwise than in accordance with estimates of expenditure approved by the Minister.

**Borrowing by Corporation**

**22.** (1) The Corporation may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section is hereby guaranteed by the Treasurer.

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

(4) Any sum paid by the Treasurer under subsection (3) of this section shall, when moneys are properly available for the purpose, be repaid by the Corporation to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

**Banking accounts**

**23.** (1) The Corporation may establish accounts at any bank for the purpose of performing its functions under this Act.

(2) An account established under this section shall be operated by cheque signed and countersigned by such persons as the Corporation may appoint for that purpose.

**Investment by Corporation**

**24.** The Corporation may invest any of its moneys that are not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

**Payments in lieu of taxation**

25. Where, by reason of the fact that the Corporation is an agency of the Crown or by reason of any provision of this Act, the Corporation is exempt from all or part of any tax, duty, levy, rate or other charge under any Act of the State or the Commonwealth, the Corporation shall pay to the Treasurer for the General Revenue of the State such amount as the Treasurer may deem to be equivalent to the amount that would have been payable by the Corporation had it not been so exempt.

**Accounts and audit**

26. (1) The Corporation shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The accounts and statement of accounts of the Corporation shall in respect of each financial year be audited by auditors appointed annually by the Corporation.

(3) The Auditor-General may at any time audit the accounts of the Corporation and shall have and may exercise in respect of the moneys and accounts of the Corporation and the persons dealing therewith the powers that are vested in the Auditor-General by the *Audit Act, 1921-1975*, in respect of public accounts and accounting officers.

PART VI

MISCELLANEOUS

**Annual report**

**27.** (1) The Corporation shall, as soon as practicable after the end of each financial year, submit to the Minister, a report upon the conduct of the business of the Corporation during that financial year, together with the audited statement of accounts of the Corporation for that financial year.

(2) The Minister shall cause the report and audited statement of accounts of the Corporation to be laid before each House of Parliament as soon as practicable after his receipt thereof.

**Summary proceedings**

**28.** Proceedings in respect of offences against this Act shall be disposed of summarily.

**Regulations**

**29.** The Governor may make such regulations as are necessary or expedient for the purposes of this Act.