

SOUTH AUSTRALIA

**TECHNOLOGY DEVELOPMENT CORPORATION ACT, 1982**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 January 1992**.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

## SUMMARY OF PROVISIONS

### PART I PRELIMINARY

Section

1. Short title
2. Commencement
4. Interpretation

### PART II TECHNOLOGY DEVELOPMENT CORPORATION

#### DIVISION I—CONSTITUTION OF THE CORPORATION

5. The Corporation
6. Membership of the Corporation
7. The Chairman and Chief Executive Officer
8. Procedures, etc., of the Corporation
9. Validity of acts of Corporation and immunity of members
10. Disclosure of interest
11. Remuneration, etc., of Members

#### DIVISION II—FUNCTIONS AND POWERS OF THE CORPORATION

12. Functions of the Corporation
13. Delegation

#### DIVISION III—STAFF OF THE CORPORATION

14. Employees of Corporation
15. Corporation may make use of services of public servants

#### DIVISION IV—FINANCIAL PROVISIONS

16. Dealings with moneys of the Corporation
17. Borrowing of moneys
18. Accounts and audit

### PART III MISCELLANEOUS

19. Report
20. Proceedings
21. Regulations

### APPENDIX LEGISLATIVE HISTORY

## TECHNOLOGY DEVELOPMENT CORPORATION ACT, 1982

being

Technology Park Adelaide Act, 1982, No. 12 of 1982  
[Assented to 4 March 1982]<sup>1</sup>

as amended by

Technology Park Adelaide Act Amendment Act, 1986, No. 2 of 1986 [Assented to 6 March 1986]<sup>2</sup>  
Technology Park Adelaide Act Amendment Act, 1988, No. 93 of 1988 [Assented to 15 December 1988]<sup>3</sup>

<sup>1</sup> Came into operation 18 March 1982: *Gaz.* 18 March 1982, p. 811.

<sup>2</sup> Came into operation 3 July 1986: *Gaz.* 3 July 1986, p. 2.

<sup>3</sup> Came into operation 1 January 1989: *Gaz.* 15 December 1988, p. 2004.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

**An Act to establish a corporation to be known as "Technology Development Corporation"; to prescribe its functions and powers; and for other purposes.**

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 *Technology Development Corporation Act, 1982*.

**Commencement**

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

\* \* \* \* \*

**Interpretation**

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

"Chief Executive Officer" means the person holding the office of Chief Executive Officer under this Act:

"the Commonwealth Minister" means the Minister of State of the Commonwealth who is responsible for science and technology:

"the Corporation" means the body corporate entitled "Technology Development Corporation" established under this Act:

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PART II

TECHNOLOGY DEVELOPMENT CORPORATION

DIVISION I—CONSTITUTION OF THE CORPORATION

**The Corporation**

5. (1) There shall be a corporation entitled "Technology Development 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.

(3) Where an apparently genuine document purports to bear the common seal of the Corporation, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the Corporation.

(4) The Corporation shall be subject to the direction and control of the Minister.

**Membership of the Corporation**

6. (1) The Corporation consists of nine members appointed by the Governor, of whom—

(a) one member is to be appointed on the nomination of the Commonwealth Minister;

(b) one member is to be appointed on the nomination of the Flinders University of South Australia;

and

(c) seven members are to be appointed on the nomination of the Minister.

(2) A member of the Corporation shall be appointed for such term of office, not exceeding three years, and upon such conditions, as the Governor determines.

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

(4) 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 to carry out satisfactorily the duties of his office;

(c) neglect of duty;

or

(d) dishonourable conduct.

4.

(5) The office of a member of the Corporation becomes vacant if—

(a) he dies;

(b) his term of office expires;

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

or

(d) he is removed from office by the Governor pursuant to subsection (4).

(6) 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.

#### **The Chairman and Chief Executive Officer**

7. One member of the Corporation shall be appointed by the Governor to be the Chairman of the Corporation and the same or another member of the Corporation shall be appointed by the Governor to be the Chief Executive Officer of the Corporation.

#### **Procedures, etc., of the Corporation**

8. (1) Five members of the Corporation shall constitute a quorum at a meeting of the Corporation.

(2) 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 present shall decide who is to preside at the meeting.

(3) 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.

(4) 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.

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

(6) Subject to this Act, the procedure for the calling of meetings of the Corporation, and the conduct of business at meetings of the Corporation shall be determined by the Corporation.

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

9. (1) No act or proceeding of the Corporation shall be invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member.

(2) No liability shall attach to a member of the Corporation for any act or omission by him, or by the Corporation, in good faith 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.

(3) Any liability that would, but for subsection (2), attach to a member of the Corporation shall attach to the Crown.

**Disclosure of interest**

**10.** (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—

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

and

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

Penalty: Five hundred dollars.

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

(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 liable to be avoided by the Corporation on any ground arising from the fiduciary relationship between the member and Corporation;

and

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

**Remuneration, etc., of Members**

**11.** A member of the Corporation shall, if the Governor thinks fit, be entitled to such remuneration, allowances and expenses as may be determined by the Governor.

DIVISION II—FUNCTIONS AND POWERS OF THE CORPORATION

**Functions of the Corporation**

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

(a) to promote scientific and technological research and development;

(b) to promote and encourage—

(i) the establishment and development in South Australia of industries using high technology or producing goods or providing services involving high technology;

and

(ii) the introduction and development of high technology by industries already established in South Australia;

(c) to encourage co-operation and the exchange of ideas and knowledge between industry and educational institutions;

6.

- (d) to attract to this State from other parts of Australia and from overseas individuals and companies undertaking scientific and technological research and development, using high technology in industry, or producing goods or providing services involving high technology;
  - (e) to establish, develop and maintain science and technology parks and to provide and maintain accommodation, facilities and services within those parks for the purpose of carrying out the above functions.
- (2) For the purpose of carrying out its functions the Corporation may—
- (a) acquire, hold, deal with and dispose of real and personal property;
  - (b) enter into any kind of contract or arrangement;
  - (c) acquire or incur any other rights or liabilities;
  - (d) divide land, build roads, erect buildings and construct other works;
  - (e) exercise any other powers that are necessary for, or incidental to, the efficient discharge of its functions.

### **Delegation**

**13.** (1) The Corporation may, with the approval of the Minister, delegate any of its powers or functions.

- (2) A delegation under this section—
- (a) may be made to—
    - (i) the Chief Executive Officer or another member of the Corporation;
    - (ii) a council in whose area a park established by the Corporation is wholly or partly situated;or
    - (iii) any other person;
  - (b) may be made subject to such conditions as the Corporation thinks fit;
  - (c) is revocable at will and does not derogate from the power of the Corporation to act in any matter itself.

(3) A person to whom powers or functions are delegated under this section is disqualified from acting in pursuance of the delegation in relation to any matter in which he has a direct or indirect pecuniary interest.

DIVISION III—STAFF OF THE CORPORATION

**Employees of Corporation**

14. The Corporation may engage such employees as it thinks necessary to perform its functions under this Act.

**Corporation may make use of services of public servants**

15. The Corporation may make use of the services of officers of a department of Government with the approval of the Minister administering that department.

DIVISION IV—FINANCIAL PROVISIONS

**Dealings with moneys of the Corporation**

16. (1) Except as authorized by the Minister and the Treasurer, no moneys shall be expended by the Corporation except in accordance with a budget approved by the Minister and the Treasurer.

(2) Any moneys of the Corporation that are not immediately required for the purposes of the Corporation may be invested in such manner as the Treasurer may approve.

**Borrowing of moneys**

17. (1) The Corporation 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 Corporation 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 Corporation 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 Corporation.

(3) For the purpose of an audit under subsection (2), the Auditor-General may exercise in relation to the accounts of the Corporation and the members and employees of the Corporation, the powers that are vested in the Auditor-General by the *Audit Act, 1921-1981*, in respect of public accounts and accounting officers.

PART III

MISCELLANEOUS

**Report**

**19.** (1) The Corporation shall, on or before the thirtieth day of September in each year, deliver to the Minister a report upon the administration of this Act during the period of twelve months that ended on the preceding thirtieth day of June.

(2) The report must incorporate the audited statement of accounts for the Corporation in relation to the relevant period.

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

**Proceedings**

**20.** Proceedings for an offence against this Act shall be disposed of summarily.

**Regulations**

**21.** (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the Governor may, on the recommendation of the Corporation, make regulations, in relation to a park established by the Corporation, that—

- (a) prohibit or regulate the construction of buildings or structures;
- (b) prescribe the design and siting of buildings and structures;
- (c) prescribe requirements for the maintenance of buildings and structures;
- (d) prescribe requirements for landscaping;
- (e) prohibit changes in the use of land or prescribe conditions on which the use of land may be changed;
- (f) prohibit or regulate any activity that may endanger life or property;
- (g) prohibit or regulate any activity that may impair the amenity of, or interfere with activities in, the park;

or

- (h) prohibit the ownership or occupation by any person of land situated in the park without the authority of the Corporation.

(3) Regulations made under subsection (2) shall apply in addition to and not in derogation of any other law.

9.

(4) Regulations made under this section may impose a penalty, not exceeding two thousand dollars, for contravention of or failure to comply with the regulations and may also, in relation to a continuing offence, impose an additional penalty, not exceeding two hundred dollars, for every day during which the offence continues.

**APPENDIX**

Legislative History

Long title:	amended by 93, 1988, s. 3
Section 1:	amended by 93, 1988, s. 4
Section 3:	repealed by 93, 1988, s. 5
Section 4:	definition of "the Corporation" amended by 93, 1988, s. 6(a) definition of "the Council" repealed by 93, 1988, s. 6(b) definition of "the Park" repealed by 93, 1988, s. 6(b)
Part II heading:	substituted by 93, 1988, s. 7
Section 5(1):	amended by 93, 1988, s. 8
Section 6(1):	amended by 2, 1986, s. 3; substituted by 93, 1988, s. 9
Section 8(1):	amended by 2, 1986, s. 4
Section 12(1):	amended by 93, 1988, s. 10
Section 13(2):	amended by 93, 1988, s. 11
Section 14:	amended by 2, 1986, s. 5
Section 21(2):	amended by 93, 1988, s. 12