

STATE BRICKWORKS ACT.

Act No. 16, 1946.

George VI.
No. 16, 1946.

An Act to provide for the establishment, management and control of State Brickworks and the acquisition of lands for that purpose; to define the functions of the State Brickworks; to make provision for and in relation to the keeping of certain accounts in the Special Deposits Account in the Treasury for the purposes of the State Brickworks; and for purposes connected therewith. [Assented to, 19th March, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "State Brickworks Act, 1946."

(2)

Short
title and
division
into
Parts.

State Brickworks Act.

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(2) This Act is divided into Parts as follows:— No. 16, 1946.

PART I.—PRELIMINARY—s. 1.

PART II.—ADMINISTRATION—SS. 2, 3.

PART III.—FINANCE—SS. 4-7.

PART IV.—GENERAL—SS. 8-11.

PART II.

ADMINISTRATION.

2. The Minister may establish, manage, control and maintain State Brickworks. The functions of the State Brickworks shall include the production, manufacture, distribution and sale of all classes of bricks and shall also include any work or activity which is incidental or supplementary to the performance of any of such functions. Establishment of State Brickworks.

3. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act. Officers and employees. cf. Act No. 19, 1943, s. 6.

(2) The officers and employees so appointed or employed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office or employment.

(3) The Minister may appoint, employ and dismiss such casual employees as are deemed necessary for the purposes of this Act and may fix wages and conditions of employment of such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other Act.

The appointment of casual employees under this subsection shall not be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act, and a casual employee so appointed or employed shall not be subject to the provisions of any such Act during the period of his employment.

(4)

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(4) For the purposes of this Act the Minister may, with the approval of the Minister for the time being administering the department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government department.

PART III.

FINANCE.

Capital
cost.
cf. Act No.
16, 1945,
s. 11.

4. (1) The capital cost of the State Brickworks shall be such amount as the Governor by proclamation published in the Gazette declares to be the capital cost. Such proclamation shall be published as soon as practicable after the establishment of the State Brickworks.

(2) The Minister shall, as soon as practicable after the thirty-first day of March immediately following the declaration of the capital cost pursuant to subsection one of this section, determine the amount by which the capital cost shall be increased or decreased by reason of expenditure or receipts during the period commencing on the date as at which the capital cost was declared and ending on the said thirty-first day of March. Thereafter the Minister shall as soon as practicable after the thirty-first day of March in each succeeding year, determine the amount by which the capital cost shall be increased or decreased by reason of expenditure or receipts during the period of twelve months immediately preceding.

The Minister shall notify in the Gazette the amount of such increase or decrease. Upon publication of such notification, the capital cost shall be deemed to be altered accordingly, and such alteration shall take effect from the date specified in the notification.

Working
Account.
cf. *Ibid.*
s. 12.
Act No. 19,
1943, s. 8.

5. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "State Brickworks Working Account," in this Act referred to as the "Working Account."

(2) (a) There shall be credited to the Working Account all revenue, earnings and moneys received from all sources in the course of the conduct of the State Brickworks and such amounts as may from time to time be appropriated by Parliament for the purpose.

(b)

State Brickworks Act.

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(b) There shall be debited to the Working No. 16, 1946.
Account the following charges, in the order set out here-
under:—

Firstly, all costs and expenses whatsoever of and incidental to the administration, management and conduct of the State Brickworks and also the costs of repair and minor renewal of buildings, plant and equipment.

Secondly, interest on the capital cost declared pursuant to section four of this Act for any year ending on the thirty-first day of March at a rate or rates to be determined by the Colonial Treasurer, but not exceeding the average rate payable during such year by the Government for loan moneys, and exchange at a rate or rates to be determined by the Colonial Treasurer, the amount of which interest and exchange shall be credited to the Consolidated Revenue Fund.

Thirdly, contributions to the Depreciation Reserve Account.

Fourthly, such contributions (if any) to a sinking fund as the Colonial Treasurer may direct.

(c) Any balance shall be applied in reduction of the capital cost or otherwise for any purpose connected with the administration, management, extension or conduct of the State Brickworks as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction in the capital cost. Upon publication of such notification, the capital cost shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in the notification.

6. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "State Brickworks Depreciation Reserve Account," in this Act referred to as the "Depreciation Reserve Account."

Deprecia-
tion
Reserve
Account.
cf. Act No.
19, 1948,
s. 9.

(2) Contributions to the Depreciation Reserve Account shall be credited to that account as soon as practicable after the thirty-first day of March, one thousand nine hundred and forty-seven, and after the same day in each succeeding year. Each such contribution shall be calculated as prescribed and shall be so
calculated

No. 16, 1946. calculated by reference to the total amount expended or applied on or before the thirty-first day of March next preceding upon the capital assets of the State Brickworks after deducting therefrom the value of capital assets which have been disposed of.

(3) The Working Account shall be credited half-yearly with interest on the uninvested daily credit balance of the Depreciation Reserve Account at such rate as the Colonial Treasurer may from time to time direct.

(4) The Minister may invest the whole or part of the balance at credit of the Depreciation Reserve Account in Commonwealth Government securities or on fixed deposit with the Colonial Treasurer and interest accruing from such investments or such deposit shall be regularly added to the Working Account.

(5) The Depreciation Reserve Account shall be drawn upon only for purposes of investment or re-investment or for renewing or replacing capital assets of the State Brickworks:

Provided that the Minister may, with the approval of the Colonial Treasurer and subject to such conditions of repayment as the Colonial Treasurer may direct, authorise the expenditure of any balance at credit of the Depreciation Reserve Account (including any amounts invested or deposited pursuant to subsection four of this section) towards extending the State Brickworks or the trade or business thereof.

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section having regard to the charges referred to in subsection two of section five of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Payments
by
Colonial
Treasurer.
cf. Act No.
19, 1943,
s. 10.
Act No. 16,
1945, s. 14.

7. When in any year ending on the thirty-first day of March, the revenue, earnings and moneys received from all sources in the course of the conduct of the State Brickworks are insufficient to meet the charges referred to in subsection two of section five of this Act, the Colonial Treasurer may, out of moneys provided by Parliament, pay to the Working Account the amount of such deficiency.

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Any moneys so paid to the Working Account shall, after payment of the charges referred to in subsection two of section five of this Act, be repaid to the Colonial Treasurer out of any balance remaining in the Working Account with interest at such rate (but not exceeding four per centum per annum) and at such times and by such instalments as the Colonial Treasurer may determine. No. 16, 1946.

PART IV.

GENERAL.

S. (1) For the purposes of this Act, the Governor may, under the Public Works Act, 1912, as amended by subsequent Acts, resume or appropriate any land and the Minister may, under the said Act as so amended, purchase any land. Acquisition
of land.
cf. Act No.
19, 1943,
s. 11.

(2) For the purposes of the Public Works Act, 1912, as amended by subsequent Acts, any such resumption, appropriation or purchase shall be deemed to be for an authorised work, and the Minister shall be deemed to be the constructing authority:

Provided that sections thirty-four, thirty-five, thirty-six and thirty-seven of the Public Works Act, 1912, as amended by subsequent Acts, shall not apply to any such resumption, appropriation or purchase, but section thirty-eight of such Act shall, mutatis mutandis, apply to and in respect of any contracts relating to any such resumption, appropriation or purchase.

(3) Notwithstanding anything contained in the Public Works Act, 1912, or in any other Act, the compensation to be paid for and in respect of any land resumed or appropriated pursuant to this section shall not include any sum for or in respect of improvements effected upon or to such land by and at the expense of the Commonwealth.

(4) Where any land upon which are situated any brickworks is resumed pursuant to this section, any plant, equipment or machinery in or upon such land at the date of such resumption used or capable of being used in the production or manufacture of bricks shall vest in the constructing authority.

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The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment and machinery vested in the constructing authority pursuant to this section and of the goodwill (if any) of any brickworks on the land so resumed. Such value shall be the value agreed upon between the constructing authority and the owner and in default of agreement, the value as determined by the Land and Valuation Court.

The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this subsection. The determination of the Land and Valuation Court shall be final and conclusive.

Annual
report.
cf. Act No.
19, 1943,
s. 12.

9. The officer in charge of the State Brickworks shall furnish to the Minister as soon as practicable after the thirty-first day of March in each year, a full and particular report in writing on the operations and activities of the State Brickworks.

Accounts
and audit.
cf. *Ibid.*
s. 13.

10. (1) The officer in charge of the State Brickworks shall cause to be kept proper books of account in relation to the State Brickworks and as soon as practicable but not later than the thirtieth day of June in each year shall prepare and submit to the Auditor-General statements of account and balance sheet setting forth a true statement of the financial position and transactions of the State Brickworks for the immediately preceding period of twelve months.

Such statements of account and balance sheet shall be in a form approved by the Auditor-General.

The Auditor-General shall examine and audit the said statements of account and balance sheet and if found to be correct he shall so certify and sign the said statements of account and balance sheet.

After such examination and audit the officer in charge of the State Brickworks shall forthwith transmit the said statements of account and balance sheet to the Minister and such audited statements of account and balance sheet shall, as soon as practicable, be laid before both Houses of Parliament.

(2) The Auditor-General shall have in respect of such audit all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act,

Act, 1902, and the Acts amending the same, shall apply to the officers and employees of the State Brickworks in the same manner as it applies to accounting officers of public departments. No. 16, 1946.

11. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act. Regulations.

(2) In particular and without prejudice to the generality of subsection one of this section, the Governor may make regulations in respect of the following matters:—

- (a) The division of the capital assets of the State Brickworks into classifications for the purpose of calculating contributions to the Depreciation Reserve Account.
- (b) The determination of the amount expended or applied upon the capital assets of the State Brickworks contained in each classification as at the thirty-first day of March, one thousand nine hundred and forty-seven, or at any time thereafter.
- (c) The rate at which contributions to the Depreciation Reserve Account shall be calculated for each classification.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.