

# State Brickworks Act 1946 No 16

[1946-16]



New South Wales

## Status Information

### Currency of version

Repealed version for 21 September 1996 to 9 December 2008 (accessed 18 September 2024 at 22:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2008 No 114* with effect from 10.12.2008.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# State Brickworks Act 1946 No 16



New South Wales

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.

## Part 1 Preliminary

### 1 Name of Act

- (1) This Act may be cited as the [State Brickworks Act 1946](#).
- (2) (Repealed)

## Part 2 Administration

### 2 Establishment of State Brickworks

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.

### 3 Officers and employees

- (1) The Governor may, under and subject to the provisions of the [Public Service Act 1979](#), as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act.
- (2) The officers and employees so appointed or employed shall be subject to the provisions of the [Public Service Act 1979](#), 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 1979*, 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 employment.

- (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 3 Finance

### 4 Capital cost

- (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 (1), 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.

### 5 Working Account

- (1) An account shall be kept 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) There shall be debited to the Working Account the following charges, in the order

set out hereunder:

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 4 for any year ending on the thirty-first day of March at a rate or rates to be determined by the 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 Treasurer, the amount of which interest and exchange shall be credited to the Consolidated Fund.

Thirdly, contributions to the Depreciation Reserve Account.

Fourthly, such contributions (if any) to a sinking fund as the 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 Depreciation Reserve Account**

- (1) An account shall be kept to be called the "State Brickworks Depreciation Reserve Account", in this Act referred to as the ***Depreciation Reserve Account***.
- (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 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 with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.
- (4) The Minister may invest the whole or part of the balance at credit of the Depreciation Reserve Account in Government securities of the Commonwealth of Australia or of the State of New South Wales or in any securities guaranteed by the Government of the said State or on fixed deposit with the 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 Treasurer and subject to such conditions of repayment as the 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 (4)) 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 (2) having regard to the charges referred to in subsection (2) of section 5, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

#### **6A Accounts to be kept in Special Deposits Account**

The Working Account and the Depreciation Reserve Account shall be kept in the Special Deposits Account in the Treasury in an account to be called the "State Brickworks Account".

#### **7 Payments by Treasurer**

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 (2) of section 5, the Treasurer may, out of moneys provided by Parliament, pay to the Working Account the amount of such deficiency.

Any moneys so paid to the Working Account shall, after payment of the charges referred to in subsection (2) of section 5, be repaid to the 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 Treasurer may determine.

### **Part 4 General**

#### **8 Acquisition of land**

- (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.
- (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 34, 35, 36 and 37 of the *Public Works Act 1912*, as amended by subsequent Acts, shall not apply to any such resumption, appropriation or purchase, but section 38 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.

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 Environment Court.

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

## **9 Annual report**

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.

## **10 Financial year**

The financial year in relation to the State Brickworks shall be:

- (a) where no period is prescribed as referred to in paragraph (b)—the year commencing on 1 April, or
- (b) the period prescribed for the purposes of this section.

## **11 Regulations**

- (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.
- (2) In particular and without prejudice to the generality of subsection (1), 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), (4) (Repealed)