

# AUSTRALIAN WOOL TESTING AUTHORITY.

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No. 38 of 1957.

An Act to provide for the Establishment of an  
Australian Wool Testing Authority.

[Assented to 12th September, 1957.]

**B**E it enacted by the Queen's Most Excellent Majesty, the  
Senate, and the House of Representatives of the  
Commonwealth of Australia, as follows:—

## PART I.—PRELIMINARY.

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| <b>Short title.</b>        | 1. This Act may be cited as the <i>Australian Wool Testing Authority Act 1957</i> .   |
| <b>Commence-<br/>ment.</b> | 2. This Act shall come into operation on the day on which it receives the Royal Assent.   |
| <b>Parts.</b>              | 3. This Act is divided into Parts, as follows:—<br>Part I.—Preliminary (Sections 1–4).<br>Part II.—The Australian Wool Testing Authority.<br>Division 1.—Establishment and Constitution of the Authority (Sections 5–13).<br>Division 2.—Functions, Powers and Duties of the Authority (Sections 14–18).<br>Division 3.—Staff (Sections 19–23).<br>Division 4.—Finances of the Authority (Sections 24–32).<br>Part III.—Miscellaneous (Sections 33–36). |

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

Definitions.

“member” means a member of the Authority;

“the Authority” means the Australian Wool Testing Authority established under this Act.

## PART II.—THE AUSTRALIAN WOOL TESTING AUTHORITY.

### *Division 1.—Establishment and Constitution of the Authority.*

5.—(1.) For the purposes of this Act there shall be an Authority by the name of the Australian Wool Testing Authority.

Establishment  
of Authority.

(2.) The Authority—

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

(b) shall be capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

6.—(1.) The Authority shall consist of seven members, who shall be appointed by the Governor-General and shall be—

Constitution  
of Authority.

(a) a person nominated by the Australian Council of Wool Buyers;

(b) a person nominated by the National Council of Wool Selling Brokers of Australia;

(c) a person nominated by the Wool Scourers, Carbonizers and Fellmongers' Federation of Australia;

(d) a person nominated by the Australian Wool Bureau;

(e) a person nominated by the Commonwealth Scientific and Industrial Research Organization;

(f) an officer of the Department of Primary Industry; and

(g) one other person.

(2.) A member shall be appointed to hold office for three years but is eligible for re-appointment.

(3.) In the event of a member ceasing to hold office before the termination of the period of his appointment, another member may be appointed in his place for the remainder of that period.

(4.) The exercise of a power or the performance of a function by the Authority is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Authority.

(5.) The appointment of a member is not invalidated and shall not be called in question by reason of a defect or irregularity in or in connexion with his nomination.

Deputies of  
members.

7.—(1.) A member may, with the approval of the Minister, appoint a person to be his deputy and may revoke any such appointment.

(2.) The person so appointed is entitled, in the event of the absence from a meeting of the Authority of the member of whom he is the deputy, to attend that meeting and, when so attending, shall be deemed to be a member.

Chairman of  
Authority.

8.—(1.) At the first meeting of the Authority, the Authority shall appoint one of its members to be Chairman of the Authority.

(2.) At a meeting of the Authority held not earlier than the first day of July and not later than the thirtieth day of September in each year after the year One thousand nine hundred and fifty-seven, the Authority shall appoint one of its members to be Chairman of the Authority.

(3.) In the event of a vacancy occurring in the office of Chairman, the Authority shall, at the next meeting of the Authority, appoint one of its members to be Chairman of the Authority.

(4.) A member of the Authority appointed as Chairman under any of the last three preceding sub-sections holds office until the appointment of a successor or until he ceases to be a member of the Authority (whichever first happens) but is eligible for re-appointment.

Leave of  
absence.

9. The Minister may grant leave of absence to a member upon such terms and conditions as the Minister determines.

Fees,  
allowances and  
expenses.

10. Members and deputies of members shall be paid, in respect of attendance at meetings of the Authority or while engaged (whether in Australia or overseas), with the approval of the Authority, on business of the Authority, such fees, allowances and expenses as the Governor-General determines.

Dismissal and  
resignation of  
members of  
Authority.

11.—(1.) The Governor-General may terminate the appointment of a member or deputy of a member for good cause.

(2.) Where an organization upon the nomination of which a person was appointed to be a member of the Authority requests the Minister to do so, the Minister shall terminate the appointment of that person as such a member.

(3.) A member or a deputy of a member may resign his office by writing under his hand delivered to the Minister.

Vacation of  
office.

12.—(1.) If a member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

- (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Authority; or
- (c) fails to comply with his obligations under the next succeeding sub-section,

the Governor-General shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(2.) A member who is directly or indirectly interested in a contract made or proposed to be made by the Authority, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(3.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Authority, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

(4.) Sub-section (2.) of this section does not apply in relation to a contract for the use of the services of the Authority in the ordinary course of its business.

(5.) The provisions of this section (other than paragraph (b) of sub-section (1.)) apply to and in relation to a deputy of a member in like manner as they apply to and in relation to a member.

13.—(1.) The Authority shall hold such meetings as it considers necessary for the efficient conduct of its affairs.

Meetings of  
Authority.

(2.) At a meeting of the Authority—

- (a) four members form a quorum;
- (b) the Chairman or, in his absence, a member elected by the members present, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman or other member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

#### *Division 2.—Functions, Powers and Duties of the Authority.*

14. The functions of the Authority are—

Functions of  
Authority.

- (a) to carry out tests of wool and wool products being, or intended to be, the subject of trade and commerce

with other countries or among the States, including tests for the purpose of ascertaining the conditioned weight of wool and wool products, by agreement with persons desiring those tests;

- (b) for the purposes of the last preceding paragraph, to establish, maintain and operate facilities in Australia for carrying out tests of wool and wool products;
- (c) as incidental to the efficient and economical performance of the foregoing functions, to carry out tests of wool and wool products other than wool and wool products referred to in paragraph (a) of this section; and
- (d) to issue certificates in respect of tests carried out by the Authority.

Authority not  
to discriminate.

15. The Authority shall not, without reasonable cause, refuse to make its services available to a person.

Powers of  
Authority.

16. The Authority has power to do all things necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions and the carrying on of its business and, in particular, has power—

- (a) to acquire, hold and dispose of land, goods or other property;
- (b) to make contracts;
- (c) to appoint agents and attorneys;
- (d) to institute and defend legal proceedings;
- (e) to advertise its services; and
- (f) to charge fees for its services.

Duty as regards  
revenue.

17. The Authority shall conduct its affairs with a view to securing such revenue as is necessary to enable it to meet its financial obligations.

Carrying out  
of tests and  
issue of  
certificates

18.—(1.) Tests of wool and wool products by the Authority shall be carried out in such manner, and on the basis of such standards, as are prescribed.

(2.) Certificates issued by the Authority in respect of tests of wool and wool products shall be in accordance with the regulations and shall be sealed with a seal of the Authority authorized by the Authority to be used for that purpose.

### *Division 3.—Staff.*

Appointment  
of officers.

19. The Authority may appoint such officers as it thinks necessary.

Terms and  
conditions of  
employment.

20.—(1.) Subject to the next succeeding sub-section, the terms and conditions of employment of officers appointed by the Authority shall be such as are, with the approval of the Public Service Board, determined by the Authority.

(2.) Where an officer appointed in pursuance of this section was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as an officer of the Authority shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act* 1928–1953 applies as if this Act and this section had been specified in the Schedule to that Act.

**21.—**(1.) The Authority shall appoint an officer as Director Director. for the Authority.

(2.) The Director shall, under the Authority, manage the affairs of the Authority.

**22.** The Authority may employ such temporary or casual employees as it thinks fit, on such terms and conditions as the Authority determines. Temporary and casual employees.

**23.—**(1.) The *Commonwealth Employees' Compensation Act* 1930–1956 applies to officers and employees of the Authority as if they were employees within the meaning of that Act. Compensation to officers and employees.

(2.) Any liability to pay compensation under that Act as applied by this section shall be borne by the Authority.

#### *Division 4.—Finances of the Authority.*

**24.—**(1.) The Treasurer may, out of the Consolidated Revenue Fund, which is appropriated accordingly, make loans to the Authority, by way of initial capital, of sums not exceeding in all Forty thousand pounds. Initial capital.

(2.) Advances under the last preceding sub-section shall be made at such times and on such terms and conditions as the Treasurer determines.

**25.** The Treasurer may, out of moneys appropriated by the Parliament for the purposes of this Act, make further loans to the Authority of such amounts, and upon such terms and conditions, as the Treasurer determines. Loans to Authority by Commonwealth.

**26.—**(1.) Except with the consent of the Treasurer, the Authority shall not borrow otherwise than in accordance with the last two preceding sections. Other borrowing by Authority.

(2.) Where the Authority, with the consent of the Treasurer, borrows money otherwise than in accordance with the last two preceding sections, it may give security for the repayment of, and the payment of interest on, moneys so borrowed, including security by way of debentures.

(3.) The regulations may make provision for or with respect to—

- (a) the form and effect of debentures issued by the Authority and the rights of persons under or in connexion with those debentures;
  - (b) the transfer of debentures;
  - (c) the registration of debentures; and
  - (d) the remedies of persons in connexion with debentures,
- but so that any such regulations shall not prejudicially affect the rights of persons, other than the Authority, existing at the date of commencement of those regulations.

(4.) Regulations for the purposes of paragraph (d) of the last preceding sub-section may confer original jurisdiction on the High Court or invest State courts with federal jurisdiction.

(5.) Debentures issued by the Authority are not required to be registered under the law of a State or Territory of the Commonwealth relating to bills of sale.

**Bank accounts.** 27.—(1.) The Authority shall open and maintain an account or accounts with the Commonwealth Bank of Australia, and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves.

(2.) The Authority shall pay all moneys received by it into an account referred to in this section.

**Application of moneys.** 28.—(1.) Subject to the next succeeding sub-section, the moneys of the Authority shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Authority (including the redemption of securities issued by the Authority); and
- (b) in payment of the fees and allowances of the members and deputies of members.

(2.) Moneys of the Authority not immediately required for the purposes of the Authority may be invested on fixed deposit with the Commonwealth Bank of Australia or with any other bank approved by the Treasurer, or in securities of or guaranteed by the Commonwealth or a State.

**Provision in the nature of reserves.** 29. The Authority shall make adequate provision in its accounts for depreciation and future and contingent liabilities.

**Proper accounts to be kept.** 30. The Authority shall keep proper accounts and records in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and

properly authorized and that adequate control is maintained over the assets of the Authority and the incurring of liabilities of the Authority.

31.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Authority, and shall forthwith draw the Minister's attention to any irregularity disclosed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing. Audit.

(2.) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under the last preceding sub-section.

(3.) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Authority relating directly or indirectly to the receipt or payment of moneys by the Authority or to the acquisition, receipt, custody or disposal of assets of the Authority.

(4.) The Auditor-General or an officer authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(5.) The Auditor-General or an officer authorized by him may require a member or an officer or employee of the Authority to furnish him with such information in the possession of the member, officer or employee or to which the member, officer or employee has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and the member, officer or employee shall comply with the requirement.

32.—(1.) Subject to this section, the Authority is subject to taxation (other than taxes on income) under the laws of the Commonwealth, but is not subject to taxation under a law of a State or Territory of the Commonwealth to which the Commonwealth is not subject. Liability to taxation.

(2.) Stamp duty under the law of a State or Territory of the Commonwealth is payable by the Authority and in respect of instruments and documents executed by or on behalf of the Authority.

### PART III.—MISCELLANEOUS.

33.—(1.) A certificate sealed with a seal of the Authority in accordance with section eighteen of this Act in respect of a test carried out by the Authority, or a document sealed with such a seal and purporting to be a copy of such a certificate, is Certificates to be evidence.



evidence for all purposes of the matters stated in the certificate in relation to the test and that the results of the test as shown in the certificate are correct.

(2.) All courts, judges and persons acting judicially shall take judicial notice of a seal referred to in section eighteen of this Act affixed to a document and shall presume that it was duly affixed.

**Limitation of  
liability of  
Authority.**

34.—(1.) Subject to this section, the Authority is not subject to any liability in respect of—

- (a) any certificate issued by it; or
- (b) any wool or wool products deposited with it for testing.

(2.) The last preceding sub-section does not affect any liability of the Authority arising out of negligence or misconduct of a servant or agent of the Authority.

**Annual report  
of Authority.**

35.—(1.) The Authority shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2.) Before furnishing the financial statements to the Minister, the Authority shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Authority;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Authority during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3.) The Minister shall lay the report and financial statements of the Authority, together with the report of the Auditor-General, before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

**Regulations.**

36. The Governor-General 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 or giving effect to this Act.