

# ALUMINIUM INDUSTRY.

No. 44 of 1944.

An Act to approve and give effect to an Agreement made between the Commonwealth and the State of Tasmania with respect to the Production, for the purposes of Defence, of Ingot Aluminium, and for other purposes.

[Assented to 7th December, 1944.]

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

1. This Act may be cited as the *Aluminium Industry Act* 1944. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
  - “ the Agreement ” means the Agreement a copy of which is set out in the Schedule to this Act ;
  - “ the Chairman ” means the Chairman of the Commission ;
  - “ the Commission ” means the Australian Aluminium Production Commission ;
  - “ the Vice-Chairman ” means the Vice-Chairman of the Commission.

**Approval of Agreement.**

4. The Agreement is hereby approved.

**Australian Aluminium Production Commission.**

5.—(1.) For the purposes of this Act, there shall be a Commission to be known as the Australian Aluminium Production Commission.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued.

(3.) All Courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice and shall deem that it was duly affixed.

**Constitution of Commission.**

6.—(1.) The Commission shall consist of—

- (a) two members representative of the Commonwealth, one of whom shall be the Chairman ; and
- (b) two members representative of the State of Tasmania, one of whom shall be the Vice-Chairman.

(2.) The members of the Commission shall be appointed by the Governor-General, those members representative of the State of Tasmania being nominated by the Governor-in-Council of the State.

(3.) The members of the Commission and their deputies shall hold office on such terms and conditions as the Governor-General determines, but subject, in the case of the members representative of the State of Tasmania and their deputies, to the concurrence of the Governor-in-Council of the State.

(4.) Meetings of the Commission shall be summoned by the Chairman, or, in the absence of the Chairman, by the Vice-Chairman.

(5.) The Chairman shall preside at any meeting at which he is present.

(6.) In the absence of the Chairman from any meeting, the Vice-Chairman shall preside, and in the absence of both the Chairman and Vice-Chairman from any meeting the members present may elect one of their number to preside.

(7.) At any meeting of the Commission at which the Chairman presides, he shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

(8.) All questions before the Commission shall be decided by a majority of votes.

(9.) At any meeting of the Commission, three members shall form a quorum.

(10.) All meetings of the Board shall, so far as practicable, be held in Tasmania.

(11.) Notwithstanding the provisions of sub-section (1.) of this section, where there is a vacancy in the office of a member of the Commission, the Commission shall, for the purposes of this Act, be deemed to be constituted by the remaining members.

(12.) The Governor-General may appoint any person to be the deputy of a member of the Commission representative of the Commonwealth, and may appoint any person nominated by the Governor-in-Council of the State of Tasmania to be the deputy of a member of the Commission representative of the State, and any person so appointed shall, in the event of the member of whom he is the deputy being absent, for any reason, from any meeting of the Commission, be deemed to be a member of the Commission for the purposes of that meeting.

7. Subject to the provisions of this Act and of the Agreement, it shall be the duty of the Commission, with all possible expedition, in order to promote the naval, military and air defence of the Commonwealth and its territories, to do all such acts and things as are necessary for the production of ingot aluminium, and for that purpose it shall have and may exercise the powers and functions, and shall perform the duties and obligations, of the Commission set out in the Agreement.

Duty, powers and functions of the Commission.

8. The Governor-General may make arrangements with the Governor-in-Council of a State with respect to the supply from that State of bauxite, alumina and other materials for the purposes of the Commission.

Arrangements with States for supply of materials.

9. The sale or disposition of the whole or any part of the undertaking of the Commission shall not be effected unless approved by resolution passed by both Houses of the Parliament of the Commonwealth and by resolution passed by both Houses of the Parliament of the State of Tasmania.

Sale or disposal of undertaking.

10. There shall be payable out of the Consolidated Revenue Fund or out of the proceeds of any loan raised under the authority of any Act, the sum of One million five hundred thousand pounds for the purposes of the Commission, and that Fund and those proceeds are hereby appropriated accordingly.

Appropriation.

11.—(1.) Persons appointed or employed by the Commission under this Act shall not be subject to the *Commonwealth Public Service Act 1922-1943*, but shall be appointed or employed upon such terms and conditions as the Commission determines.

Officers.

(2.) If an officer of the Public Service of the Commonwealth is so appointed, his service as an officer under this Act shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and section had been specified in the Schedule to that Act.

(3.) An officer of the Public Service of a State who is appointed under this Act shall have the same rights as if he had been an officer of a Department transferred to the Commonwealth and had been retained in the service of the Commonwealth.

12.—(1.) For the purposes of this Act there shall be a Trust Account which shall be known as the Aluminium Production Trust Account and shall be a Trust Account for the purposes of section sixty-two A of the *Audit Act 1901-1934*.

Aluminium Production Trust Account.

- (2.) There shall be paid to the credit of the Account—
- (a) moneys appropriated by the Parliament for the purposes of the Commission ;
  - (b) moneys contributed under the Agreement by the State of Tasmania ;
  - (c) moneys received by the Commission from the operations of any undertaking carried on by it ; and
  - (d) interest received from the investment of any moneys standing to the credit of the Account.

(3.) The moneys standing to the credit of the Account shall be applied—

- (a) firstly in meeting the expenses of the Commission under this Act, including the remuneration and allowances payable to members of the Commission and officers appointed and persons employed under this Act ; and
- (b) secondly in making any payment provided for in paragraph (h) of clause three of the Agreement.

Audit of  
books and  
accounts.

**13.** The books and accounts of the Commission shall be subject to inspection and audit by the Auditor-General who shall supply to the Premier of the State of Tasmania such information in the possession of the Auditor-General by reason of the inspection and audit as the Premier requires.

Reports.

**14.**—(1.) The Commission shall keep the Minister continually informed of its operations under this Act, and shall, not later than the month of September in every financial year, make to the Minister a report upon the operations of the Commission during the preceding financial year.

(2.) The Minister shall cause a copy of the report of the Commission to be laid before each House of the Parliament within fifteen sitting days of that House after he receives the report, and shall also cause a copy to be furnished forthwith to the Premier of the State of Tasmania.

Regulations.

**15.** 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.

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## THE SCHEDULE.

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AGREEMENT made this eighteenth day of April One thousand nine hundred and forty-four between the Commonwealth of Australia (hereinafter referred to as "the Commonwealth") of the one part and the State of Tasmania (hereinafter referred to as "the State") of the other part :

WHEREAS in the interests of the naval, military and air defence of the Commonwealth and its territories it is necessary to make provision for the production in Australia of ingot aluminium :

AND WHEREAS the Commonwealth and the State consider it desirable that provision should be made for the production in Tasmania of ingot aluminium and that the Commonwealth and the State should co-operate in the establishment of an industry for that purpose :

THE SCHEDULE—*continued.*

NOW it is hereby agreed as follows :—

1. This Agreement is subject to approval by the Parliaments of the Commonwealth and of the State and shall come into effect when so approved, but, in anticipation of that approval, the Commonwealth and the State shall each, so far as may be necessary on its part, do all such acts and things as may reasonably be done to expedite and facilitate the establishment of the Australian Aluminium Production Commission and the commencement of its operations as soon as practicable.

2. The Commonwealth and the State shall each so far as may be necessary on its part provide for or secure the execution and enforcement of the provisions of this Agreement and any Acts approving the same.

3. The Commonwealth shall take all the necessary steps to establish a Commission to be known as the Australian Aluminium Production Commission (hereinafter referred to as "the Commission") subject to the following conditions :—

- (a) Half of the members of the Commission shall be nominated by and represent the Commonwealth and half shall be nominated by and represent the State ;
- (b) One of the members representative of the Commonwealth shall be the Chairman of the Commission ;
- (c) The Chairman of the Commission shall on any question arising for decision by the Commission have a deliberative vote and in the event of the members being equally divided in opinion shall also have a second or casting vote ;
- (d) One of the members representative of the State shall be the Vice-Chairman of the Commission ;
- (e) All meetings of the Commission shall so far as practicable be held in Tasmania ;
- (f) The State shall contribute for the purposes of the Commission one pound for every pound contributed by the Commonwealth for those purposes ;
- (g) The Commission shall debit its accounts with interest on the amounts so contributed by the Commonwealth and the State at such rate as the Treasurer of the Commonwealth may determine from time to time ;
- (h) Any profits derived from the operations of the Commission shall be applied firstly in payment to the Commonwealth and the State in equal proportions of the interest debited in accordance with the last preceding paragraph, secondly, in so far as they are not required for the development of the undertaking of the Commission, in repayment in equal proportions of the amounts contributed by the Commonwealth and the State for the purposes of the Commission, and thereafter as the Commonwealth and the State may agree ;
- (i) No action question or decision relating to or affecting—
  - (i) the policy of the Commonwealth in connexion with the naval, military and air defence of the Commonwealth and its territories or with external affairs ;
  - (ii) any proposed sale or disposition of the whole or any part of the undertaking of the Commission ;
  - (iii) any proposed sale of products of the Commission to aliens or for export from the Commonwealth ; or
  - (iv) any proposed sale of such products under contracts of such duration or under such circumstances as might endanger the ability of the Commission to meet the defence requirements of the Commonwealth,
 shall be taken determined or made without the consent of the Commonwealth as expressed through its representatives on the Commission ;
- (j) The Commission shall not enter into or be in any way concerned in or a party to or act in concert with any commercial trust or combine but shall always be and remain an independent Australian undertaking ; and
- (k) Other things being equal the Commission shall give preference to goods manufactured in the Commonwealth or its territories when purchasing machinery plant and supplies.

4. Subject to any directions given on behalf of the Commonwealth and the State by the Minister of State for the Commonwealth administering the Act passed by the Parliament of the Commonwealth to approve this Agreement, and subject to this Agreement, the Commission shall with all possible expedition in order to promote

THE SCHEDULE—*continued.*

the naval, military and air defence of the Commonwealth and its territories do all such acts and things as are necessary for the production by the Commission of ingot aluminium and in particular, for the purposes of that production, shall have power—

- (a) to acquire land, buildings, plant and equipment ;
- (b) to obtain supplies of electricity ;
- (c) to obtain supplies of bauxite, alumina and other materials ;
- (d) to encourage and assist the production and manufacture in the Commonwealth or its territories of all materials required for the production of ingot aluminium ;
- (e) to determine the processes to be employed for the production of ingot aluminium ;
- (f) to make such arrangements as it considers appropriate for the construction and maintenance of works ;
- (g) to conduct scientific research ;
- (h) to engage such experts as it thinks fit ;
- (i) to appoint such officers and employ such persons as it thinks necessary ;
- (j) to dispose of ingot aluminium and other products produced by, and other property of, the Commission ;
- (k) to enter into contracts and agreements ; and
- (l) to do such other acts necessary or incidental to or expedient for the performance of the functions specified in the preceding paragraphs as shall be approved by the Commonwealth and the State.

5. The Commission shall not, in the exercise of any of its powers and functions, without obtaining the prior approval of the Minister of State for the Commonwealth administering the Act passed by the Parliament of the Commonwealth to approve this Agreement (who before giving such approval shall consult with and take into consideration the views of the Premier of the State), proceed with any single project involving an expenditure of more than Fifty thousand pounds.

6. The works of the Commission for the production of ingot aluminium from alumina shall be established in Tasmania.

7. Supplies of electricity required by the Commission for the production in Tasmania of ingot aluminium and of materials required for the production of ingot aluminium shall be obtained from the Hydro Electric Commission of Tasmania and for that purpose the State shall make such provision as it thinks necessary to enable the Hydro Electric Commission to provide those supplies of electricity at a rate satisfactory to the Australian Aluminium Production Commission.

8. The Commonwealth and the State will each on its part exercise its legislative and administrative powers in such manner as is calculated to ensure the full success and development of the aluminium industry in accordance with this Agreement.

9. The books and accounts of the Commission shall be subject to inspection and audit by the Auditor-General of the Commonwealth who shall supply to the Premier of the State such information in his possession by reason of the inspection and audit as the Premier requires.

10. The Commission shall furnish to the Minister of State for the Commonwealth administering the Act passed by the Parliament of the Commonwealth to approve this Agreement, not later than the month of September in each year a report on its operations for the preceding financial year and that Minister shall forthwith cause a copy of that report to be furnished to the Premier of the State.

In witness whereof the parties hereto have executed these presents the day and year first above-mentioned.

Signed sealed and delivered by the Right  
Honourable HERBERT VERE EVATT  
Acting Minister of State for Supply and  
Shipping for and on behalf of the said Com-  
monwealth in the presence of—  
A. V. SMITH.

H. V. EVATT

Signed sealed and delivered by ROBERT  
COSGROVE the Premier of the State of  
Tasmania for and on behalf of the said State  
in the presence of—  
R. G. OSBORNE.

ROBERT COSGROVE