



ANNO QUINQUAGESIMO QUINTO ET QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1892.

No. 560.

An Act to provide for the Establishment and Incorporation of the School of Mines and Industries of South Australia, and for other purposes.

[Assented to, December 17th, 1892.]

WHEREAS it is desirable to provide for the establishment, incorporation, and government of the School of Mines and Industries of South Australia—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as the “School of Mines and Industries Act, 1892.” Short title.

2. This Act shall come into operation upon a day to be named by the Governor by Proclamation in the *Government Gazette*. Commencement of Act.

3. In the construction of and for the purpose of this Act, unless the context otherwise requires— Definitions.

“The Council” shall mean the Council of the School of Mines and Industries of South Australia:

“The Minister” shall mean the Minister administering this Act.

4. For the purposes of this Act there is hereby constituted a Council, to be called the Council of the School of Mines and Industries of South Australia, of whom five shall form a quorum, and who shall Incorporation of the Council.

School of Mines and Industries Act.—1892.

shall be a body corporate, with perpetual succession and a common seal, which shall be judicially noticed, and shall by the same name sue and be sued, plead and be impleaded, in all Courts and places whatsoever, with power to prove in all competent Courts and compound for all debts due to the Council.

First Council of School of Mines and Industries to hold office till Council appointed.

5. Until the appointment hereinafter mentioned, the South Australian School of Mines and Industries, as constituted at the time of the coming into operation of this Act, shall be the first Council under this Act, and shall hold office as and constitute such Council until the appointment hereinafter mentioned shall be completed and notified by the Governor in the *Government Gazette*, whereupon such first Council shall be dissolved.

Constitution of the Council.

6. The Council to be hereafter from time to time appointed under this Act shall consist of twelve members, to be appointed by the Governor. Such members shall hold office for twelve months, and shall be eligible for re-appointment, and any casual vacancy through death or resignation of any member may be filled by the Governor appointing some other person, and such person shall hold office for the unexpired term for which the member he succeeds was appointed.

Board may exercise powers notwithstanding vacancy.

7. Any Act of the Council shall not be invalid by reason only of a vacancy in the Council, but if at any time and as long as the number of persons acting as the Council is less than six, the Council shall discontinue the exercise of their powers.

Lands to be under control of the Council.

8. The Governor may, by Proclamation to be published in the *Government Gazette*, direct that any lands or buildings belonging to the Crown shall be placed under the care, control, and management of the Council for the purposes of this Act, and may in like manner resume any such lands or buildings so placed or put under the care, control, or management of the Council. The Council shall have power and be capable in law to purchase and hold lands, tenements, and hereditaments of all kinds whatsoever and wheresoever situate, and shall have power and be capable in law to sell, exchange, grant, demise, let, or otherwise dispose of any land purchased or acquired, or any part thereof: Provided that plans of any such lands or buildings so intended to be placed under the care, control, and management of the Council, and not now in the occupation of the Council, shall be laid before Parliament thirty days before the publication of any such Proclamation.

The power to take and sell, &c., certain lands.

Vesting in Council of personal property with power to sell, &c.

9. All the goods, chattels, and effects heretofore or hereafter acquired by or for the use of the Council, shall be and hereby are vested in the Council. The Council is hereby empowered to receive or purchase any chattels, and to sell, exchange, or otherwise dispose of the same or any of them.

Gazette to be evidence of appointments, &c.

10. Every appointment made under any of the provisions of this Act shall be published in the *Government Gazette*, and such publication

tion

School of Mines and Industries Act.—1892.

tion shall, until the contrary be proved, be evidence of every such appointment.

11. The Council shall have power from time to time to make, repeal, alter, and re-enact rules and regulations for the following purposes:—

Power to make rules, &c.

- i. For the conduct of their own proceedings:
- ii. For the due management of the affairs of the School of Mines and Industries of South Australia, and for the employment, suspension, or dismissal of any professors, lecturers, examiners, or any other officer or servant:
- iii. For the establishment of branch schools, and for the general direction of the educational affairs of the same:
- iv. For holding examinations in Adelaide and elsewhere in the colony; and for granting certificates and diplomas:
- v. For the exclusion or expulsion of any person or persons from the School of Mines and Industries of South Australia, or any part thereof:
- vi. For specifying the conditions and restrictions upon and subject to which the public may be allowed—
 - (a) To read books or manuscripts, or make copies or extracts therefrom:
 - (b) To inspect the minerals, models, machinery, specimens, and exhibits in the School of Mines and Industries of South Australia:
 - (c) To obtain instruction in the different classes in connection with the School of Mines and Industries of South Australia, and for fixing the amount of the fees payable for such instruction and the manner of the appropriation thereof:
- vii. For the most effectual use of the minerals, rocks, ores, nuggets, models of nuggets, crystals, models of crystals, machinery, models and patterns of machinery, raw and manufactured and metallurgical and vegetable products, mineral specimens, curiosities, objects of natural history, works of art, books, maps, manuscripts, documents, pamphlets, or papers, for the purposes of public education and enjoyment:
- viii. For prescribing the conditions and method upon and by which the advantages heretofore extended by the first Council may be continued:
- ix. For fixing penalties for any breach of any rule or regulation authorised to be made by this Act, not exceeding the sum of Five Pounds for any one offence:
- x. For such other purpose as the Governor by Proclamation in *Government Gazette* may allow:
- xi. Generally for carrying into effect the objects of this Act.

And

School of Mines and Industries Act.—1892.

And all such rules and regulations shall be under the common seal of the Council, and, when approved by the Governor and published in the *Government Gazette*, shall be valid and have the force of law: Provided that no regulation shall be submitted to the Governor for confirmation until such rule or regulation have been laid before Parliament for one month; and if Parliament should not be in Session throughout such month, then within one month after the commencement of the next Session thereof.

The production of the *Government Gazette* containing such publication shall be conclusive evidence of the tenor and validity of such rule and regulations, and shall be received in evidence and judicially noticed in all Courts of the province.

Annual report of
audit.

12. The Council shall, on or before the first day of March in each year, report its proceedings for the twelve months ended thirty-first of December to the Governor, and a copy of such report shall be laid each year before Parliament. The accounts of the Council shall be annually audited by the Commissioners of Audit, who may exercise in that behalf the powers conferred upon them by the Audit Act, and an abstract of such accounts shall be annually laid upon the table of the House of Assembly of the said province whilst such House is in Session.

Recovery of penalties.

13. All fines or penalties for offences against this Act, or any rule or regulation made hereunder, may be recovered in a summary way under the provisions of the Ordinance No. 6 of 1850, or of any other Act for the time being in force relating to the duties of Justices with respect to summary convictions or orders before any Special Magistrate or two Justices of the Peace, and all convictions and orders may be enforced as provided by the said Ordinance or Act.

Appeal.

14. There shall be an appeal from any order or conviction of any Special Magistrate or Justices under this Act, or from any order dismissing any information, or for the payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No 6 of 1850, and any Acts extending or amending the same for appeals to Local Courts, and such Local Court aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

KINTORE, Governor.