

TASMANIA.



1941.

ANNO QUINTO

GEORGII VI. REGIS.

No. 21.

ANALYSIS.

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AN ACT to provide for Assistance to certain Fruit-growers and Small-fruit Growers who have suffered Hardship in their Business through Climatic Conditions. [17 June, 1941.]

A.D.
1941
—

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Assistance to Fruitgrowers* Short title. Act 1941.

6d.]

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A.D. 1941. **2** In this Act, unless the contrary intention appears—

Interpretation.

- “Board” means the Board constituted under this Act:
 “Borrower” means a person to whom an advance has been made under this Act:
 “Chairman” means the Chairman of the Board:
 “Cultivate,” when used with reference to an orchard, means the doing and supplying of all things necessary or expedient for ensuring the production from such orchard of a satisfactory crop of marketable fruit:
 “Fruitgrower” and “small-fruit grower” shall be construed as provided by section three of the *Fruit Board Act 1934* and section two of the *Stone and Berry Fruits Board Act 1939*, respectively:
 “Season” means the period elapsing between the first day of October in any year and the thirtieth day of April in the immediately succeeding year:
 “The Fund” means the Assistance to Fruitgrowers Fund established under this Act.

Power to
Treasurer
to borrow
£21,000.

3—(1) The Treasurer may borrow and receive from the Commonwealth in accordance with the *Berry Fruitgrowers Relief Act 1941* of the Commonwealth any sums of money not exceeding in the whole the sum of twenty thousand pounds to be applied as provided by this Act.

(2) The Treasurer may raise, borrow, and receive, in addition to the moneys authorised by subsection (1) hereof, any sums of money not exceeding in the whole the sum of twenty-one thousand pounds for the purposes of this Act.

Assistance to
Fruitgrowers
Fund.

4—(1) All moneys raised and received under section three shall be paid into the Treasury to the credit of an account to be there kept for that purpose, and to be called “The Assistance to Fruitgrowers Fund.”

(2) The Fund shall be applied for providing assistance—

- I. In the case of the moneys received under subsection (1) of section three for growers of berry fruits:
- II. In the case of the moneys to be raised under subsection (2) of section three—

(a) For fruitgrowers to an amount not exceeding twenty thousand: and

(b) For growers of drupe fruits to an amount not exceeding one thousand—

pounds.

The Assistance
to Fruit-
growers
Advisory
Board.

5—(1) For the purposes of this Act there shall be constituted a Board of three members to be called “The Assistance to Fruitgrowers Advisory Board.”

(2) The Governor shall appoint an officer of the Agricultural Bank of Tasmania and two other persons as members of the Board.

(3) One member of the Board shall be appointed as chairman thereof.

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(4) One of the members shall be appointed to represent the Department of Agriculture; and two other persons shall be appointed for the remaining seat on the Board, one to represent the State Fruit Board in relation to applications for assistance by fruit growers; and the other to represent the Stone and Berry Fruits Board in relation to applications for assistance by small-fruit growers; and each of such two persons respectively shall act as a member of the Board only in relation to the matters in respect of which he was so appointed.

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6—(1) The Chairman of the Board shall have a deliberative vote only. Procedure.

(2) The Board may act notwithstanding a vacancy in its membership.

(3) Any two members of the Board shall form a quorum for the transaction of business.

(4) When there is an equal division of votes upon any question, it shall pass in the negative.

(5) If the Chairman is absent from any meeting of the Board at the time appointed for the holding thereof, one of the members present shall preside.

(6) Subject to this Act, the Board may regulate its own procedure.

(7) The Minister may appoint an officer of the said Agricultural Bank to be Secretary to the Board. Secretary.

7 For the purpose of carrying out the powers, duties, and functions conferred or imposed upon it by this Act, the Board may, with the approval of the Minister, make use of the services of any of the officers or employees of the Bank. Board may make use of services of officers of the Agricultural Bank.

8—(1) Every member of the Board shall be entitled to be paid out of the Fund such sum as shall be necessary to pay the travelling expenses reasonably incurred by him in carrying out his duties as such member. Expenses

(2) All other out-of-pocket expenses properly incurred by the Board shall be paid out of the Fund.

(3) The total amount to be paid under this section shall not exceed the sum of Two hundred and fifty Pounds.

9—(1) Any fruitgrower or small-fruit grower who, during the season of 1940-41, has suffered hardship in consequence of damage to his crops by frost or hail, may make an application for assistance out of the Fund to enable him to remain on and cultivate his orchard for the production of his fruit crop for the next ensuing season. Applications for advances.

(2) Every application for assistance under this Act may be in such form as the Board may approve, and shall in the first place be made to the Board, and shall be signed by the applicant.

10 The Board shall, as soon as practicable after the commencement of this Act, invite applications for advances by advertisement in one or more newspapers, and shall, in such Board to invite applications by advertisement.

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A.D. 1941. advertisement, fix a date, not being less than fourteen nor more than thirty days after the first publication of the advertisement, on or before which such applications shall be, or have been, delivered to the Board.

Board to consider applications and may make recommendations to the Minister.

11—(1) The Board shall consider every application received by it, and shall investigate the circumstances of the applicant and the grounds of his application, and if it approves the application the Board may make a recommendation to the Minister that the same be granted.

(2) Any such recommendation may be in respect of the whole or any part of the sum applied for.

Minister may make advances.

12—(1) The Minister may authorise such advances to applicants as the Board shall recommend, but the aggregate of such advances shall not exceed—

- I. Twenty thousand pounds in the case of fruit growers:
- II. Twenty thousand pounds in the case of small-fruit growers who are growers of berry fruits: or
- III. One thousand pounds in the case of small-fruit growers who are growers of drupe fruits.

(2) No such advance shall be made by the Minister to an applicant unless and until such applicant has given to the Minister such security or undertaking as the Board shall approve for repayment by or on behalf of the applicant to the Minister of the amount of such advance, as may be prescribed.

(3) Such repayment shall be made in four instalments each of twenty-five per centum of the amount of the advance.

(4) All advances authorised by the Minister shall be paid by the Treasurer out of the Fund, but no such payment shall be made without the certificate of the Chairman that the advance has been recommended by the Board.

Advances to be used for cultivating orchards.

13 Every borrower shall expend the advance made to him under this Act for the purpose of enabling him to remain on and cultivate his orchard for the production of his fruit crop.

Repayment and recovery of advances.

14—(1) All advances under this Act shall be repayable to the Minister by instalments at the times and in the manner mentioned in section twelve, and, if any instalment in respect of any such advance, or any part of such instalment, is not paid to the Minister by or on behalf of the borrower at the time and in the manner so mentioned, the same may be recovered by the Minister from the borrower as a debt due to His Majesty.

(2) If any borrower shall fail to comply with any of the provisions of this Act, or shall cease at any time to carry on orcharding operations in Tasmania, the amount of the advance made to him by the Minister, or so much thereof as shall not then have been repaid to the Minister, shall become due and payable by the borrower to the Minister on demand, and the same may be recovered by the Minister from the borrower as a debt due to His Majesty.



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(3) Any borrower may at any time repay to the Minister the whole or any part of the advance made to him by the Minister. A.D. 1941.

15—(1) The Minister shall pay all moneys received by him from borrowers under the provisions of this Act into the Treasury, to the credit of an account to be kept there for that purpose, and to be called *The Assistance to Fruitgrowers Loans Redemption Account*. Loans redemption account to be opened in Treasury.

(2) The moneys standing to the credit of such Account shall be applied by the Treasurer in or towards redemption of the loans raised by him for the purposes of this Act.

16 For the purposes of this Act the Board, by notice in writing, may require any person to— Board may obtain information and production of documents.

- I. Furnish to the Board such information, either verbally or in writing: and
- II. Produce all such books, documents, and other papers whatsoever in his custody or under his control—

as the Board may require.

17 No person, without just cause shown by him, shall— Penalty for failure to give information.

- I. Fail or neglect to furnish to the Board any information as and when required by the Board: or
- II. Refuse or neglect to produce to the Board any book, document, or paper required of him by the Board.

Penalty: Fifty Pounds.

18 The Governor may make regulations under and for the purposes of this Act. Regulations.

