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**CARBIDE INDUSTRY DEVELOPMENT AMENDMENT  
ACT 1980**

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## CARBIDE INDUSTRY DEVELOPMENT AMENDMENT

No. 7 of 1980

AN ACT to amend the Carbide Industry Development Act 1976 for the purpose of making further provision with respect to the granting of financial assistance to the undertaker within the meaning of that Act.

[Royal Assent 24 April 1980]

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 *Carbide Industry Development Amendment Act 1980*. Short title.

**2**—In this Act, the *Carbide Industry Development Act 1976*\* Principal Act. is referred to as the Principal Act.

**3**—Section 4 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (2) “ a charge or ” after “ Minister ” where secondly occurring;
- (b) by omitting from subsection (3) “ may, in his discretion, proceed to recover the sum of the loan by realizing

Amendment of section 4 of Principal Act (Loan to undertaker to purchase anthracite coal).

\* See Act No. 89 of 1976. For this Act, as amended to 1st September 1979, see the continuing Reprint of Statutes, Vol. II. Subsequently amended by Act No. 37 of 1979.

the assets referred to in subsection (2)” and substituting “, in his discretion, may proceed to recover the loan, or such part of it as has not been repaid, by realizing the assets that are subject to a charge or charges executed under subsection (2) or may recover that loan or part by any other lawful means”;

(c) by inserting in subsection (4) “ of the loan that has not been repaid ” after “ balance ”.

Insertion in  
Principal Act  
of new  
section 4A.

**4**—After section 4 of the Principal Act, the following section is inserted:—

Power of  
Treasurer to  
lend money  
to enable  
undertaker to  
repay  
guaranteed  
loan.

4A—(1) Subject to this section, the Treasurer may, pursuant to an agreement in writing with the undertaker, lend to the undertaker on such terms and conditions (including terms and conditions as to repayment and as to payment of interest) as may be specified in the agreement such sum of money as is so specified for the purpose of enabling the undertaker to repay in whole or in part money the repayment of which is for the time being guaranteed under section 5.

(2) Instead of entering into an agreement referred to in subsection (1), the Treasurer may, by agreement in writing entered into with the lender of money the repayment of which is for the time being guaranteed under section 5, take an assignment of the rights of the lender in respect of that money, or the part of it that has not been repaid, in consideration of the Treasurer repaying to the lender that money or part.

(3) On an agreement referred to in subsection (2) taking effect, the guarantee in respect of the repayment of the money referred to in that subsection is extinguished and money repaid by the Treasurer under the agreement shall, for the purpose of this Act, be deemed to be money lent by the Treasurer to the undertaker under this section.

(4) Before lending money under subsection (1) or taking an assignment under subsection (2) or at any time while any part of the money lent, or deemed to have been lent, under this section is outstanding, the undertaker shall, at the request of the Treasurer, execute to the satisfaction of the Treasurer a charge or charges over the undertaker’s real property and other assets in favour of the Treasurer.

(5) If any money lent, or deemed to be lent, under this section is not repaid within the period within which it is required to be repaid, the Treasurer, in his discretion, may proceed to recover that money, or such part of it as has not been repaid, by realizing the assets that are subject to a charge or charges executed under subsection (4) or may recover that money or part by any other lawful means.

(6) The interest payable in respect of money lent, or deemed to be lent, under this section shall be calculated from day to day on the balance of the money that has not been repaid at a rate equal to the rate payable in respect of Commonwealth securities, that rate being the long term bond rate at the time when the loan is made, plus one-half of 1 per cent.

(7) Where any money to be lent under subsection (1) or to be repaid under an agreement referred to in subsection (2) does not exceed \$3 000 000, that money shall be a charge on the Loan Fund and be payable out of that Fund without further appropriation than this section, but where any such money exceeds \$3 000 000, only that sum shall be such a charge and be so payable and the amount of the excess shall be payable out of money appropriated by Parliament for the purpose.

(8) Any rights, obligations, and liabilities of the undertaker in respect of money lent, or deemed to be lent, under this section may, by agreement with the Minister, be transferred to any assignee of the property of the undertaker.

(9) Subsection (2) applies to money the repayment of which was guaranteed under section 5 before the commencement of the *Carbide Industry Development Amendment Act 1980* and to money the repayment of which is guaranteed after that commencement.

**5—**(1) Section 5 (2) of the Principal Act is amended by omitting “ \$10 000 000 ” and substituting “ \$10 600 000 ”.

Amendment of section 5 of Principal Act (Guarantee of repayment of principal money).

(2) Section 5 of the Principal Act is further amended by inserting the following subsection after subsection (4):—

(5) If at any time any money is lent, or deemed to be lent, under section 4A, the amount referred to in subsection (2) shall be deemed to be reduced by the amount of money so lent or deemed to be lent or, where part of that money has been repaid to the Minister, by the part of that money that has not been so repaid.

(3) Section 5 of the Principal Act is further amended by omitting “moneys” wherever occurring and substituting “money”.

Amendment of section 8 of Principal Act (Payments to lenders under guarantee).

**6**—Section 8 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “such payment shall be made out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly)” and substituting “that payment shall be a charge on the Consolidated Revenue Fund and be made out of that Fund without further appropriation than this subsection”;

(b) by omitting from subsection (2) “moneys” and substituting “money”.

Amendment of section 9 of Principal Act (Power of Treasurer to subscribe for shares in the undertaker).

**7**—(1) Section 9 (1) of the Principal Act is amended by inserting in subsection (1) “or purchase” after “subscribe for”.

(2) Section 9 of the Principal Act is further amended by omitting subsection (2) and substituting the following subsection:—

(2) The total liability that may be incurred by the Treasurer under subsection (1) shall not exceed—

(a) \$1 000 000 in respect of preference shares of the undertaker; and

(b) \$2 500 000 in respect of any other kind of shares of the undertaker.

(3) Section 9 (3) of the Principal Act is amended by omitting “applied out of the Loan Fund which, to the necessary extent, is appropriated accordingly” and substituting “a charge on the Loan Fund and be payable out of that Fund without further appropriation than this subsection”.

(4) Section 9 (4) of the Principal Act is amended by omitting “\$2 500 000” and substituting “\$3 500 000”.

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**FIRE SERVICE AMENDMENT ACT 1980**


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| <p>1. Short title.</p> <p>2. Commencement.</p> <p>3. Principal Act.</p> <p>4. Amendment of section 74 of Principal Act (Interpretation; Part VI).</p> <p>5. Amendment of section 77 of Principal Act (Annual estimate of expenditure).</p> <p>6. Amendment of heading to Division 3 of Part VI of Principal Act.</p> <p>7. Amendment of section 78 of Principal Act (Application of Division 3 of Part VI).</p> <p>8. Substitution of sections 79, 80, and 81 of Principal Act.</p> <p style="padding-left: 20px;">79—Expenditure of Commission to be defrayed out of contributions by municipalities and Treasurer.</p> <p style="padding-left: 20px;">80—Commission to obtain assessed annual value of land.</p> <p style="padding-left: 20px;">81—Contributions to be made by municipalities.</p> | <p style="padding-left: 20px;">81A—Elections by municipalities in respect of payments to Commission.</p> <p style="padding-left: 20px;">81B—Commission to notify municipalities of contribution or rate of fire protection levy.</p> <p style="padding-left: 20px;">81C—Collection by municipalities of contribution or fire protection levy.</p> <p style="padding-left: 20px;">81D—Fixing of rate of levy.</p> <p>9. Amendment of section 91 of Principal Act (Quarterly returns and payments to Commission of levies and contributions).</p> <p>10. Insertion in Principal Act of new section 92A.</p> <p style="padding-left: 20px;">92A—Recovery of unpaid contributions.</p> <p>11. Amendment of section 109 of Principal Act (Charges for services at fires).</p> <p>12. Amendment of section 128 of Principal Act (Offences and penalties).</p> <p>13. Amendment of section 133 of Principal Act (General fire regulations).</p> <p>14. Amendment of <i>Local Government Act 1962</i>.</p> |
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