



DAIRY ADJUSTMENT PROGRAM

No. 34 of 1975

ANALYSIS

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AN ACT to authorize the entering into agreements on behalf of the State under the Dairy Adjustment Act 1974 of the Commonwealth and for giving effect to agreements under that Act and for incidental matters.

[24 June 1975]

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 *Dairy Adjustment Program Act* Short title. 1975.

Repeals.

2 The *Marginal Dairy Farms Reconstruction Act 1971*, the *Marginal Dairy Farms Reconstruction (Supplemental Agreement) Act 1974*, and the *Marginal Dairy Farms Reconstruction Act 1974* are repealed.

Interpretation.

3—(1) In this Act, unless the contrary intention appears—

“agreement” means an agreement between the Government of the Commonwealth and this State that is made under the Commonwealth Act or has effect pursuant to that Act as if it were so made;

“applicant” means a person who applies to participate in a Program, and includes a State authority or instrumentality so applying;

“Board” means the Board of Management of the Agricultural Bank of Tasmania;

“Commonwealth Act” means the *Dairy Adjustment Act 1974* of the Commonwealth and includes that Act as amended from time to time;

“Program” means a Dairy Adjustment Program operated under an agreement.

(2) Unless the contrary intention appears, expressions defined in the Commonwealth Act have the same meanings when used in this Act as they have in the Commonwealth Act.

Premier may enter into agreements.

4 The Premier may, on behalf of the State, enter into any agreement that the Government of the Commonwealth is authorized to enter into with the State under the Commonwealth Act.

Effect of agreements.

5 So far as is necessary to give effect to an agreement, the provisions of the agreement have effect as if they were enacted in this Act.

Operation of agreements.

6 Where an agreement provides that the Program to which it relates is to be operated by the State, the Program shall be operated by the Board on behalf of the State and as the Authority within the meaning, and for the purposes, of the agreement.

Acquisition and disposal of land.

7—(1) The Board may, for the purposes of a Program, acquire land and dispose of it as provided in the agreement relating to the Program.

(2) For the purposes of complying with any provision of an agreement that requires land to be disposed of for a tenure that accords with the practice in the State, that land shall be disposed of for any tenure for which the Board may dispose of land under any other Act.

(3) Subject to subsection (4), where land is disposed of under subsection (2), any part of the purchase price for the land left outstanding may be secured by such security as the Board requires.

(4) Where any security or part of any security required for the purposes of subsection (3) is in respect of a kind of security referred to in subsection (1) of section 41 of the *State Advances Act 1935*, that security or part thereof shall be in the form of a mortgage as provided by that section as if the part of the purchase price so secured were an advance under section 36 of that Act.

(5) Where any part of the purchase price for any land is secured in pursuance of subsection (3), the Board shall require payment of interest on that part of the purchase price at such rate as the Treasurer may determine generally, in any class of case, or in any particular case.

8—(1) Where the Board is empowered under an agreement to acquire land and any land that it is so empowered to acquire is held under contract of purchase from the Crown on credit, the Board shall pay off the balance then remaining unpaid of the purchase-money under the contract and obtain a Crown grant of the land. Credit holdings.

(2) Nothing contained in the *Crown Lands Act 1935* is a bar to the operation of this section.

9—(1) Where the Board is empowered under an agreement to acquire land and any land that it is so empowered to acquire is held under a lease under the *Closer Settlement Act 1957*, the Board shall purchase it from the Closer Settlement Board. Closer Settlement holdings.

(2) Nothing contained in section 35 of the *Closer Settlement Act 1957* is a bar to the operation of this section.

Applications.

10—(1) An applicant shall apply to participate under a Program in such form and manner as the Board requires.

(2) The Board may require any statement in an application for the purposes of subsection (1) to be verified by statutory declaration.

Ballots.

11 If a ballot is required in connection with the allotment of land for the purposes of a Program, it shall be done as provided in the regulations made under the *Closer Settlement Act 1957* for the purposes of section 27 (2) of that Act.

Treasurer's power to borrow.

12 The Treasurer may borrow from the Government of the Commonwealth moneys for the purposes of an agreement.

Costs of administration.

13 The expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Capital costs.

14 The Treasurer may advance to the Board out of moneys borrowed under section 12 or any other moneys available for the purpose moneys required by the Board for the purposes of sections 7, 8, and 9 on such conditions as he thinks fit.

Repayment of purchase money, &c.

15 All moneys received by the Board for the disposal of land under a Program, including interest thereon, shall be paid into the Treasury and applied as the Treasurer may direct for the purposes of the Program.

Accounts.

16 The Board shall keep such accounts of its transactions under this Act in such form as the Treasurer may direct.

Annual report.

17 As soon as practicable after 30th June in each year until all loans under or for the purposes of this Act have been repaid the Minister shall cause to be laid before either House of Parliament—

(a) an account in such form as the Treasurer requires in respect of the Board's operations under this Act in that year; and

(b) a report of the Board's administration of this Act during that year.

Exemption from stamp duty, &c.

18 An instrument made by the Board for the purposes of this Act is exempt from stamp duty and may be filed, recorded, or registered without payment of a fee.

19 A contract made in pursuance of or for the purposes of any provision of this Act to which a member of either House of Parliament is a party is not a contract or agreement with the Government of the State within the meaning of section 33 of the *Constitution Act* 1934. Protection of members of Parliament.

20 The Governor may make regulations for the purposes of this Act. Regulations.