

EDUCATION.

No. 27 of 1970.

AN ACT to amend the *Education Act 1932*.

[8 July 1970.]

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:—

Short title and citation.

1—(1) This Act may be cited as the *Education Act 1970*.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section forty-nine of the Principal Act the following Part is inserted:—

“ PART VI.

“ SUBSIDIES TO CERTAIN SCHOOLS IN RESPECT OF INTEREST CHARGES.

Interpretation of Part VI.

“ 50—(1) In this Part, unless the contrary intention appears—

‘ building ’ includes part of a building;

‘ loan agreement ’, when used in relation to a loan made to the governing body of a school, means the agreement making provision for payment and repayment of the loan;

‘ school accommodation ’, when used in relation to a school, means such accommodation as is referred to in subsection (1) of section fifty-one;

‘ year ’, when used in relation to a loan, means a period of twelve months commencing on the date, or an anniversary of the date, on which the loan was made.

“(2) For the purposes of this Part a loan shall be deemed to be made when the money the subject of the loan is paid to, or at the direction of, the person to whom it is lent; and where two or more sums are paid, by way of loan, at different times under the same loan agreement, each of those sums shall, for the purposes of this Part, be treated as a separate loan.

Subsidies in respect of interest on loans to certain private schools.

“ 51—(1) In accordance with this Part subsidies may be paid to the governing body of any school that is registered under Part IV and is not conducted for private gain in respect of the interest paid on loans made to it for the purpose of meeting the expense of the acquisition, erection, alteration, or extension of buildings that are required for the purpose of providing—

(a) accommodation for the teaching of children attending the school; or

(b) residential accommodation for those children.

“(2) Subsection (1) of this section does not apply to any expense that the Treasurer is satisfied could be met from funds made available by the Commonwealth.

“(3) No subsidy shall be paid under this Part to the governing body of a school in respect of a building that has ceased to be used for the purpose of providing school accommodation.

“(4) Where a loan has been made partly for a purpose in respect of which a subsidy may be paid under this Part and partly for other purposes such part only of that loan as the Treasurer, on the recommendation of the Minister, determines, shall, for the purposes of this Part, be regarded as a loan in respect of which a subsidy may be paid under this Part.

“(5) Each subsidy payable under this Part in respect of a loan shall be paid in respect of the interest paid on the loan in respect of a year and, in relation to that loan, a subsidy so paid is referred to in this Act as the subsidy in respect of that loan for that year.

“52—(1) A subsidy is not payable under this Part in respect of a loan made before the first day of July 1950 and is not payable in respect of a loan for any year ending before the first day of July 1970; but subject to the foregoing provisions of this subsection such a subsidy may be paid in respect of a loan whether the loan was made before or after the commencement of this Part.

Loans in respect of which subsidies are payable.

“(2) A subsidy is not payable under this Part in respect of a loan made on or after the first day of July 1970 unless the Minister is satisfied that the governing body is bound by the loan agreement to repay the loan by periodic instalments so that the whole of the loan is repaid within twenty years of the date on which it was made.

“(3) Notwithstanding anything in the foregoing provisions of this section, where subsidies are payable under this Part in respect of a loan and the loan agreement is subsequently varied in such a manner that, apart from this subsection, subsidies would not be payable under this Part in respect of the loan, they shall nevertheless remain payable in respect of the loan if the Treasurer, on the recommendation of the Minister, approves the agreement as so varied.

“53—(1) Subject to the provisions of this Part, such subsidies shall be paid thereunder as the Treasurer, on the recommendation of the Minister, may determine.

Amount of subsidy.

“(2) Without prejudice to the taking into consideration of any matter that the Minister considers relevant, the Minister, in making a recommendation for the purposes of this section in relation to a loan, shall have regard to the type and standard of the accommodation in respect of which the loan was made.

“(3) The amount of the subsidy paid in respect of a loan for any year shall not exceed—

- (a) an amount equivalent to five per cent of that part of the principal of the loan that would remain to be repaid if at the end of each previous year one-twentieth of the principal of the loan had been repaid; or

(b) the amount of the interest actually paid on that loan in respect of that year,
whichever of those amounts is the less.

“(4) Where, following variations of a loan agreement, subsidies remain payable in respect of a loan by virtue of subsection (3) of section fifty-two, but not otherwise, the amount of the subsidy paid in respect of the loan for any year shall not exceed the maximum amount of the subsidy that the Treasurer considers could have been paid in respect of the loan for that year if the terms of the loan agreement, without those variations, had been complied with.

“(5) Notwithstanding anything in subsection (3) of this section the amount of a subsidy paid in respect of a loan for any year commencing not later than the thirtieth day of June 1970 shall not exceed a proportion of the maximum amount of the subsidy that (apart from this section) could have been paid in respect of that loan for that year that is the same proportion as the proportion of that year that falls after that date.

Time for
payment
of subsidy.

“54—(1) A subsidy in respect of a loan for any year shall not be paid until all the sums required to be paid under the loan agreement by way of interest during that year have been paid.

“(2) Notwithstanding anything in subsection (1) of this section where under the loan agreement two or more payments of interest are required to be made during any year a part of the subsidy otherwise payable in respect of the loan for that year may be paid after any of those payments of interest is made; but the part of that subsidy paid in respect of any one of those payments of interest shall not exceed—

(a) the amount referred to in paragraph (a) of subsection (3) of section fifty-three divided by the number of payments of interest required to be made under the loan agreement during that year; or

(b) the amount of that payment of interest,

whichever of those amounts is the less.

Repayment
of subsidies
in certain
cases.

“55—(1) Where subsidies have been paid under this Act in respect of the provision of school accommodation, and the building in which that accommodation was provided ceases to be used for the purposes of providing school accommodation, the governing body of the school shall pay to the Treasurer a sum of an amount equal to the aggregate amount of those subsidies, reduced by one-tenth for each complete year during which the building was used for the purpose of providing school accommodation following the last year for which any of those subsidies was paid.

“(2) Where a subsidy has been paid under this Act in respect of a building a part of which ceases to be used for the purpose of providing school accommodation such part of that subsidy as the Treasurer, on the recommendation of the Minister, determines shall be deemed, for the purposes of subsection (1) of this section, to be the subsidy paid in respect of the accommodation provided in that part of that building.

“(3) This section does not apply in respect of a building if, having regard to the reasons for which it ceased to be used for the purposes of providing school accommodation, the Treasurer, on the recommendation of the Minister, is of opinion it should not so apply.

“(4) A sum required to be paid to the Treasurer under this section is recoverable by him as a debt due to the Crown.

“56 As soon as practicable after the end of each financial year the Treasurer shall cause to be laid before each House of Parliament a statement showing the amounts of the subsidies paid under this Part during that year in respect of each school in respect of which any such subsidy was so paid. Annual statement.

“57 Subsidies paid under this Part shall be paid out of moneys that are appropriated by Parliament out of the Consolidated Revenue for the purposes of this Part. Expense of subsidies.

“58 For the purposes of this Part the Governor may make regulations prescribing and regulating— Regulations under Part VI.

- (a) the making and verification of applications for subsidies under this Part;
- (b) the manner of the payment of those subsidies; and
- (c) such other matters as may be necessary for giving effect to the provisions of this Part.”.

MARINE.

No. 28 of 1970.

AN ACT to amend the *Marine Act* 1921.

[8 July 1970.]

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—(1) This Act may be cited as the *Marine Act* 1970. Short title and citation.

(2) The *Marine Act* 1921, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section seventy-five of the Principal Act is amended by inserting in paragraph (e) of subsection (1), after the word “dollars” (first occurring), the words “or, where the Treasurer certifies that by reason of special circumstances, a greater expenditure is warranted, such greater sum (not exceeding twenty thousand dollars) as the Governor may approve”. Application of revenues.