
FRUIT PROCESSORS FINANCIAL ASSISTANCE ACT 1976

ANALYSIS

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|---|--|
| 1. Short title. | 9. Costs of administration. |
| 2. Interpretation. | 10. Repayment of loans. |
| 3. Power of the Board to make loans. | 11. Accounts. |
| 4. Terms and conditions of loans. | 12. Annual report. |
| 5. Applications for loans. | 13. Appropriation of Loan Fund. |
| 6. Security. | 14. Power of Treasurer to borrow moneys. |
| 7. Power of Board to obtain information. | 15. Offences. |
| 8. Certificates to be given by borrowers. | 16. Protection of members of Parliament. |



FRUIT PROCESSORS FINANCIAL ASSISTANCE

No. 3 of 1976

AN ACT to provide for the making of loans to registered fruit processors holding certain stocks of raspberries harvested during the 1975-1976 season and to make provision for incidental matters.

[5 May 1976]

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 *Fruit Processors Financial Assistance Act 1976*. Short title.

Interpretation.

2 In this Act, unless the contrary intention appears—

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

“borrower” means a registered fruit processor to whom a loan is made;

“held in the prescribed manner”, in relation to stocks of raspberries, means block frozen or sterilized;

“loan” means a loan under this Act;

“prescribed day” means the last day of the month preceding that in which this Act commences;

“registered fruit processor” means a person who is registered as a registered processor under section 16 of the *Soft Fruit Industry Act 1972*.

Power of the Board to make loans.

3—(1) Subject to this Act, the Board may, in its absolute discretion, make loans to registered fruit processors out of the moneys provided under section 13.

(2) The Board shall not make a loan to a registered fruit processor unless—

(a) he has purchased raspberries harvested during the season commencing on 1st December 1975;

(b) he has paid to the growers of those raspberries a price of not less than 48 cents a kilogram; and

(c) he holds, on the prescribed day, stocks of those raspberries that have been block frozen or sterilized.

(3) The amount of a loan to a registered fruit processor—

(a) shall be based on the proportion that the quantity of stocks of raspberries held in the prescribed manner by that processor on the prescribed day bears to the total stocks of raspberries held in that manner on that day by all registered fruit processors who apply for, and are eligible for, loans; and

(b) shall not exceed \$500 for each tonne of the stock of raspberries so held by that processor on the prescribed day.

Terms and conditions of loans.

4—(1) Subject to this section, a loan shall be made subject to such terms and conditions as the Board may determine.

(2) Subject to subsection (3), a loan is repayable by such instalments as may be specified in the agreement for the loan or as determined in the manner specified in the agreement.

(3) A loan is repayable in full within 12 months after the day on which it is made.

(4) A loan shall be made—

(a) free from the payment of interest for the first 6 months of the term of the loan; and

(b) subject to the payment of interest at the rate of 5 per cent a year for the remainder of that term.

(5) Notwithstanding subsection (3), the Board may, in its discretion, extend the term of a loan—

(a) for such period;

(b) subject to the payment of interest at such rate, being not less than 5 per cent a year; and

(c) subject to such other terms and conditions, as the Board may determine.

5—(1) An application for a loan—

Applications
for loans.

(a) shall be made to the Board within 14 days after the commencement of this Act or within such further time as the Board may, in its discretion, permit;

(b) shall be in such form as the Board may determine; and

(c) shall be accompanied by—

(i) a certificate by the applicant as to the stocks of raspberries held by him in the prescribed manner on the prescribed day; and

(ii) such other evidence in support of the application as the Board may require.

(2) The Board may require such further evidence as it thinks necessary in support of an application for a loan and may require the applicant to attend and give evidence before it.

6—(1) The Board may take and require such security for the repayment of loans as in each case it considers to be adequate in the circumstances. Security.

(2) A loan may be made as if it were an advance under the *State Advances Act 1935*, and in that case the provisions of that Act appropriate to the nature of the loan apply as nearly as possible.

Power of Board
to obtain
information.

7 Where a person has applied for a loan, the Board may require that person—

- (a) to give the Board authority to obtain from any other person information available to him; and
- (b) to produce to the Board such books, papers, documents, and accounts relating to his financial affairs as the Board may require.

Certificates to
be given by
borrowers.

8 A borrower shall, forthwith after—

- (a) the end of the month in which a loan is made to him; and
- (b) the end of every subsequent month until the loan is repaid, furnish the Board with a certificate of the stocks of raspberries held by him in the prescribed manner at the end of that month.

Costs of
administration.

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

Repayment
of loans.

10 All moneys received by the Board in repayment of loans and payment of interest on loans shall be paid into the Treasury and shall be applied in such manner as the Treasurer may direct.

Accounts.

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

Annual report.

12 As soon as is practicable after the close of the financial year ending on 30th June 1977 and the close of every succeeding financial year until all loans have been repaid, the Minister shall cause to be laid before each House of Parliament—

- (a) an account in such form as the Treasurer requires in respect of the Board's operations under this Act in the relevant financial year; and
- (b) a report of the Board's administration of this Act during that year.

Appropriation
of Loan Fund.

13 For the purposes of this Act, the Treasurer may issue out of the Loan Fund (which, to the necessary extent, is appropriated accordingly) any sums of money not exceeding in the whole \$200 000.

14 The Treasurer may arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of any sums of money required for the purposes of section 13. Power of Treasurer to borrow moneys.

15—(1) No person shall—

Offences.

- (a) in an application for a loan;
- (b) in evidence in support of such an application;
- (c) for the purposes of section 7; or
- (d) in a certificate under section 8,

make a statement that, to his knowledge, is false in a material particular.

Penalty: \$500 or 6 months' imprisonment.

(2) No person who is lawfully required under section 7 to give information to the Board or produce to the Board any book, paper, document, or account shall fail or refuse to do so without just cause.

Penalty: \$100.

16 A contract to which a member of either House of Parliament is a party and which is for or in relation to the making of a loan 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.

