

THE ACTS
OF
THE PARLIAMENT
OF
TASMANIA
1960

FLOOD RELIEF.

No. 1 of 1960.

AN ACT to relieve against loss in the floods of
April 1960. [23 May 1960.]

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 *Flood Relief Act* 1960. Short title.
- 2** In this Act, unless the contrary intention appears— Interpre-
tation.
- “Board” means the Board of Management of the
Agricultural Bank of Tasmania;
- “Financial Agreement” means the agreement made
between the Commonwealth and the States and
ratified by the *Financial Agreement Act* 1927, and
includes that agreement as varied from time to time
and any agreement made in substitution therefor;
- “floods” means the floods in the month of April 1960;
- “Loan Fund” means the Loan Fund established under
section six of the *Public Account Act* 1957;

“local works” means roads, bridges, culverts, water-works, sewerage and drainage works, and such other works and undertakings as the Governor may, by proclamation, declare to be local works for the purposes of this Act.

Power of Board to lend.
Cf. 20 Geo. V
No. 3, s. 3.

3 The Board may, at its absolute discretion, out of moneys provided under section eighteen, make loans, in such manner and on such terms and conditions as it thinks fit, to persons who suffered loss by the floods and—

- (a) who, being engaged in farming, shopkeeping, carrying, or any other industry, trade, or undertaking, are, in the opinion of the Board, by reason of that loss in need of assistance under this section to enable them to carry on their industry, trade, or undertaking; or
- (b) who, having so lost land, houses, gear, or other things, are, in the opinion of the Board, by reason of that loss in need of assistance under this section to enable them to resume their former way of life.

Power of Board to give.
Cf. *ibid.*, s. 4.

4—(1) Where the Board considers that a loan would not be adequate relief in a case to which section three could otherwise apply, it may give money, land, goods, or work, unconditionally or subject to such conditions as it thinks fit.

(2) For the purposes of this section the Board may acquire lands and goods and obtain options to purchase.

Interest.
Cf. *ibid.*, s. 5.

5—(1) Interest on loans under section three shall be at such rate as the Board in each case may determine, but shall not exceed five and a half per cent per annum.

(2) The Board may—

- (a) make loans under section three without interest;
- (b) remit payment of interest on such loans; and
- (c) in agreements for such loans, provide for the rate of interest to be varied as it may determine.

Applications for loans.
Ibid., s. 6.

6—(1) Applications for loans under section three shall be made in such form as the Board may determine and shall be accompanied by such evidence in support as the Board may require.

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

Security.
Ibid., s. 8.

7—(1) The Board may require and take such security for the repayment of loans under section three as in each case it thinks the best that can reasonably be obtained in the circumstances.

(2) A loan under section three 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 shall apply as nearly as possible.

8 Where a person has applied for a loan under section three or a gift under section four, or has such a loan or gift subject to conditions, the Board may require that person—

Power of Board to obtain information.
Cf. *ibid.*, s. 11.

- (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 the loan, or the purposes for which it was made, or to the gift, or the conditions on which it was made, as the Board may require.

9 Any instrument made by the Board for the purposes of section three or section four is exempt from stamp duty and may be filed, recorded, or registered without payment of any fee.

Exemption from fees and stamp duty.
ibid., s. 12.

10 All expenses incurred in the administration of this Act, including moneys expended in relation to the purposes of this Act before the commencement thereof, shall be defrayed out of moneys to be provided by Parliament for that purpose.

Costs of administration.
Cf. *ibid.*, s. 13.

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

Repayment of loans.

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

Accounts.

13 As soon as practicable after the close of each financial year until all loans under section three have been repaid the Treasurer shall cause to be laid before each House of Parliament—

Annual report.

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

14—(1) Instead of making loans under section three the Board may give a binding undertaking to any person whom it intends to relieve that it will restore or repair property of his that was destroyed or damaged by the floods.

Power of Board to do work.

(2) The Board may itself do work which it has undertaken to do under this section or provide for such work to be done—

- (a) by another department or instrumentality of the State; or
- (b) by contract.

Relief of local
authorities.

15 Where local works have been destroyed or damaged by the floods the Minister for Lands and Works may, on such terms and conditions as he may determine—

- (a) make grants to local authorities for the purpose of restoring or repairing local works; and
- (b) himself undertake to carry out their restoration or repair and carry out his undertaking.

Use of Crown
lands.

16—(1) Notwithstanding anything contained in the *Crown Lands Act 1935*, any Crown land not reserved from sale may be—

- (a) sold at its full value to the Board for any estate or interest and subject to any conditions, reservations, or exceptions, and by the Board sold for such price as it thinks fit, or given, to any person that the Board might otherwise help under section three or section four; and
- (b) granted to the latter person for the estate or interest and subject to the conditions, reservations, and exceptions for and subject to which it was sold to the Board.

(2) In a case that the Crown Solicitor certifies proper a grant under this section need not be dealt with as provided by the *Real Property Act 1862*, but shall instead be enrolled in the Supreme Court and registered under the *Registration of Deeds Act 1934*.

Appropriation of Consolidated Revenue.

17 The Treasurer may issue out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly) a sum not exceeding £200,000, and apply that sum for the purposes and to the extent expressed in the schedule.

Appropriation of Loan Fund.

18 For the purposes of sections three, four, fourteen, and sixteen 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 the sum of £565,000.

Power of Treasurer to borrow moneys.

19 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 eighteen.

Protection of Members of Parliament.

20 A contract between the Board and a Member of either House of Parliament made in pursuance of section three or section four is not a contract or agreement for or on account of the public service within the meaning of section thirty-three of the *Constitution Act 1934*.

21—(1) No person shall—

Offences.
Cf. *ibid.*, s. 15.

- (a) in an application for a loan or gift under this Act, in evidence in support of such an application, or for the purposes of section eight, make a statement which to his knowledge is false in a material particular; or
- (b) having received a loan or gift under this Act, use it or any part thereof contrary to the conditions on which it was made.

Penalty: Three hundred pounds or six months' imprisonment.

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

Penalty: Thirty pounds.

22 The Governor may make regulations for the purposes of this Act and may prescribe a penalty, not exceeding thirty pounds, for a breach of the regulations.

Regulations.
Ibid., s. 16.

THE SCHEDULE.

(Section 17.)

Item.	£
1. Contribution to the Lord Mayor of the City of Hobart's Fund for Flood Relief	50,000
2. Grants and works under section 15	150,000
	£200,000

SUPPLY 1960-1961.

No. 2 of 1960.

AN ACT to apply out of the Consolidated Revenue a sum for the service of the year ending on the thirtieth day of June 1961. [25 May 1960.]

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 *Supply Act 1960-1961.*

Short title.