

18 The appropriation by the council, out of the revenues of the corporation, of the following amounts and the expenditure of those amounts for the following purposes is validated, namely:—

Validation of appropriation and expenditure of certain moneys.

Centenary of Municipal Government in Launceston	£1,396	1	5
Coronation of Queen Elizabeth II.	£	560	15 3.

INDUSTRIAL DEVELOPMENT.

No. 71 of 1954.

AN ACT to make provision with respect to the establishment and development of industries in this State and matters incidental thereto, and to repeal the *Rural Industries Act 1943* and the *Industries Establishment Act 1946*.
[21 December, 1954.]

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:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Industrial Development Act 1954* Short title.

Repeal.

2—(1) The Acts that are specified in the first schedule are repealed.

(2) Notwithstanding the repeal by this Act of the *Rural Industries Act 1943*, the Rural Industries Board is, by force of this subsection, continued in existence for the purposes only of—

- (a) carrying out or giving effect to the provisions of the *Devon Cannery Agreement Act 1954* and completing all matters and transactions required by that Act to be done or entered into by the Board; and
- (b) performing the functions and duties of the Board under section thirteen of this Act,

and accordingly until the Board is dissolved pursuant to subsection (3) of this section it may do or continue to do all such acts and things as may be necessary for any of those purposes.

(3) Upon being satisfied that all matters and transactions necessary for the purpose of carrying out or giving effect to the provisions of the *Devon Cannery Agreement Act 1954* have been completed, the Governor may, by proclamation, dissolve the Rural Industries Board.

Interpretation.

Cf. 9 & 10
Geo. VI. No.
58, s. 2; No.
29 of 1941
(S.A.), s. 2;
No. 17 of 1945
(S.A.), s. 2.

3 In this Act, unless the contrary intention appears—

“agricultural products” means—

- (a) any products of agriculture, horticulture, grazing, poultry farming, bee keeping, or fishing operations;
- (b) dairy produce, as defined in the *Dairy Produce Act 1932*; and
- (c) any article of commerce prepared (whether by a process of manufacture or otherwise) from the products of agriculture, horticulture, grazing, poultry farming, bee keeping, or fishing operations, or from dairy produce;

“agricultural seeds” means any parts of plants commonly used for planting or sowing that are prescribed as agricultural seeds for the purposes of this Act;

“Committee” means the Industrial Development Committee constituted under this Act;

“Commonwealth” includes any Minister of State of the Commonwealth, and any other authority of the Commonwealth;

“ Director ” means the Director of Industrial Development appointed under this Act;

“ goods ” includes agricultural products;

“ industrial award ” means—

(a) an award or order under the *Conciliation and Arbitration Act 1904-1952* of the Commonwealth or an agreement under that Act having the force of an award or order; and

(b) a determination under the *Wages Boards Act 1920*;

“ industry ” means any works, undertaking, or business—

(a) for the manufacture, processing, preservation, treatment, or utilization of goods or materials for sale, including the winning or obtaining, otherwise than as a separate undertaking or business, of the materials to be manufactured, processed, preserved, treated, or utilized in the works, undertaking, or business; or

(b) for the provision of services, and includes a primary industry;

“ materials ” includes any materials used in building, husbandry, manufacture, agriculture, mining, or other like operations;

“ member of the family ”, used in relation to the Director or a member of the Committee, means the spouse, son, daughter, stepson, or stepdaughter of the Director or member (whether dependent upon him or not);

“ new industry ” means an industry that is proposed to be established in this State, and includes the extension, expansion, or development of an existing industry;

“ primary industry ” means—

(a) an industry for the manufacture, processing, preservation, treatment, or utilization of agricultural products or for the processing or utilization of the by-products of agricultural products or of waste agricultural products; or

(b) any works, undertaking, or business for the production of agricultural seeds or raw materials for lime burning;

“ Rural Industries Board ” means the Rural Industries Board constituted under the *Rural Industries Act 1943*.

PART II.

ADMINISTRATION.

Director of
Industrial
Development.

4—(1) The Governor may appoint a person to be the Director of Industrial Development for the purposes of this Act.

(2) The Director shall be appointed for such term, not exceeding five years, as the Governor may think fit, and shall be paid such salary as the Governor may determine and as may be specified in the instrument of his appointment.

(3) The Director is entitled to such leave of absence, and to be paid such travelling and other allowances, as may be prescribed.

(4) The Director is not, as such, subject to the provisions of the *Public Service Act* 1923, but if an officer of the Public Service is appointed to be the Director he is entitled to retain all his existing and accruing rights as if his service as the Director were service as an officer of the Public Service.

(5) The Director, during his term of office, shall, except when on leave granted pursuant to this Act, devote the whole of his time to the duties of his office.

(6) The person who, at the commencement of this Act, holds office as Director of Industrial Development in the Industrial Development Section of the Premier's and Chief Secretary's Department shall be deemed to have been appointed under this section.

Suspension
and removal
of Director.
Cf. 8 & 9 Geo.
VI. No. 22,
s. 9.

5—(1) The Director may be suspended from office by the Governor—

- (a) for misbehaviour, negligence, or incompetence;
- (b) if he becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary or allowances for their benefit;
- (c) if, in the opinion of the Governor, he becomes incapable of performing his duties;
- (d) if he or any member of his family participates or claims to be entitled to participate in the profit of, or in any emolument or benefit arising from, any agreement or transaction made or entered into by the Minister under the authority of this Act;
- (e) if he votes at a meeting of the Committee in respect of a matter in which he is (otherwise than as a member of the general public) directly or indirectly interested, or if he remains at a meeting of the Committee while such a matter is under discussion; or

(f) if, during his term of office, he engages, without the approval of the Governor, in any employment outside the duties of his office.

(2) Within fourteen days after the suspension of the Director the Minister shall cause a full statement of the grounds of the suspension to be prepared, and a copy thereof to be delivered to the Director, and shall also cause the statement to be laid before each House of Parliament—

(a) if Parliament is sitting at the time of the delivery of the statement to the Director, forthwith; or

(b) if Parliament is not then sitting, within the first seven sitting days of each House occurring after the delivery thereof to the Director.

(3) If each House of Parliament, within fourteen sitting days of the House after the day when a statement under subsection (2) of this section is laid before it, declares, by resolution, that the Director ought to be restored to office, he shall be so restored; but if each House does not within that time so declare the Governor shall remove the Director from office.

(4) The Director shall not be removed from office except as provided by this section.

(5) Notwithstanding any enactment or rule of law to the contrary, the Director has no right of action against the Minister or the Crown in respect of his removal from office in accordance with the provisions of this section.

6—(1) There shall be a committee, to be known as the Industrial Development Committee.

Industrial
Development
Committee.
9 & 10 Geo.
VI. No. 53,
ss. 6A, 6B.

(2) The Committee shall consist of—

(a) the Director, who shall be the Chairman of the Committee;

(b) the Under Treasurer; and

(c) the Director of Public Works.

(3) The members of the Committee (other than the Chairman) may be paid such fees and allowances (if any) as the Governor on the recommendation of the Public Service Commissioner may determine.

(4) The Committee shall consider and report to the Minister or the Director upon such matters with respect to the administration of this Act as may be referred to it by the Minister or the Director and shall exercise and perform such other powers and duties as are conferred upon it by or under this Act.

(5) Meetings of the Committee shall be held at such times as the Minister or the Director may appoint, and at such other times as may be requested, in writing, by any two members of the Committee.

(6) The Committee may appoint persons who are officers of departments or instrumentalities of the State to act with the Committee in an advisory capacity, and a person who is so appointed may sit with the Committee whenever summoned by it and shall deliberate with and advise the Committee on matters before it, but is not entitled to vote at a meeting of the Committee.

(7) The Committee shall cause a true and complete record of all recommendations and advice given to it by a person who acts with the Committee in an advisory capacity pursuant to subsection (6) of this section to be made and kept, and shall produce that record to the Minister as and when required by him so to do.

(8) Subject to this section, the Committee may regulate its own procedure.

Secretary and officers.

7—(1) The Governor may, under and in accordance with the provisions of the *Public Service Act* 1923, appoint a secretary to the Committee and such other officers as he may consider necessary for the administration of this Act.

(2) All officers holding office at the commencement of this Act in the Industrial Development Section of the Premier's and Chief Secretary's Department shall be deemed to have been appointed under this section.

PART III.

ESTABLISHMENT OF NEW INDUSTRIES.

Powers of Minister.
9 & 10 Geo. VI. No. 58.
ss. 3, 4.

8—(1) For the purposes of this Act, the Minister may, on the recommendation of the Director—

(a) on behalf of the State, enter into agreements for the establishment in this State of new industries; and

(b) do all such other acts and things (including the publication of books, pamphlets, and advertisements) as he may think necessary or expedient for promoting the establishment in this State of new industries or the extension, expansion, or development of industries carried on in this State, or for promoting the sale or marketing of goods produced, manufactured, processed, or treated in this State.

(2) For the purposes of this section, an agreement that was entered into pursuant to the *Industries Establishment Act* 1946 by the Minister having the administration of that Act and was in force at the commencement of this Act shall be deemed to have been entered into by the Minister pursuant to this Act and may be enforced by and against the Minister accordingly.

(3) An agreement under this section may be made with the Commonwealth or any other person or with both the Commonwealth and another person.

(4) For the purpose of carrying out an agreement under this section, the Minister may—

- (a) acquire and dispose of land as provided by this Act;
- (b) make grants or loans of money to a person who is a party to the agreement;
- (c) upon a written recommendation of the Committee concurred in and signed by all members thereof and subject to paragraph (b) of subsection (7) of this section, guarantee the repayment of any moneys borrowed or proposed to be borrowed, or the payment of any moneys owing, by a person who is a party to the agreement; and
- (d) enter into any other transaction, or do any other act, matter, or thing.

(5) An agreement under this section that provides for the making of a grant of money shall contain a provision expressly providing that the grant, unless it is to consist of a single payment only, shall be subject to review at the expiration of such period as may be specified in that behalf in the agreement, but the Minister, if the Committee so recommends, may extend the operation of the agreement for such further period or periods as the Committee may recommend, upon such terms and conditions (whether in substitution for, or in variation of, the terms and conditions originally agreed upon or not) as the Minister, on the recommendation of the Committee, may determine.

(6) A loan made pursuant to an agreement under this section shall be made repayable within such period as may be specified in that behalf in the agreement, subject to the payment of interest, on such part of the principal moneys as may from time to time remain owing, at such rate (being not less than the State rate, as defined in section twenty-four of the *Hydro-Electric Commission Act 1944*) as may be specified in the agreement.

(7) Notwithstanding any other provision of this Act—

- (a) no agreement shall be entered into by the Minister pursuant to, or for the purposes of, this section, that, if carried into effect, would involve the use of electricity except with the consent, in writing, of the Hydro-Electric Commission, or otherwise than upon and subject to such conditions as the Commission may impose with respect to the use thereof; and

- (b) the Minister shall not guarantee the repayment of any moneys exceeding twenty thousand pounds in the case of any one borrower, and shall not, in any case, guarantee at any time the repayment of more than fifty thousand pounds in the aggregate.

(8) This section does not authorize the Minister to enter into an agreement providing for the disposal of any of the natural resources of the State otherwise than in accordance with the law relating thereto.

Purchase of
land for new
industries.
9 & 10 Geo.
VI. No. 58,
s. 2.

9—(1) The Minister may, on behalf of the State, purchase land for the purpose of a new industry.

(2) The powers conferred by subsection (1) of this section extend to authorizing the purchase of land for the purpose of the establishment of new industries generally, notwithstanding that an agreement in respect of a new industry has not been entered into in pursuance of section eight, and land that is so purchased may be subsequently disposed of in accordance with section ten.

(3) Land that was acquired, before the commencement of this Act, under the authority of the *Industries Establishment Act 1946*, for the purpose of a new industry or for the purpose of the establishment of new industries generally, shall be deemed to have been purchased under the authority of this section and may, if not already disposed of under that Act, be disposed of in accordance with section ten or, if leased to a person under that Act, may, on the expiration or earlier determination of the lease, be disposed of in accordance with that section.

Disposal of
land purchased
for new
industries.
ibid., s. 6.

10—(1) Land that is acquired under section nine may be disposed of to the owner of a new industry in the following manner, that is to say:—

(a) The Commissioner of Crown Lands may grant a lease of the land for such term, not exceeding ninety-nine years, as he thinks fit, and containing such terms and conditions as he thinks necessary; or

(b) The land may be sold by the Minister, by private contract, at such price as the Governor approves, and, upon payment by the purchaser to the Minister of the purchase money, the Governor may, in the name and on behalf of Her Majesty, by deed of grant, convey and alienate the land to the purchaser for an estate in fee simple in possession, as if it were land that is subject to the *Crown Lands Act 1935*.

(2) Land that is leased to a person in accordance with paragraph (a) of subsection (1) of this section may be sold subsequently to that person or his assigns in accordance with paragraph (b) of that subsection.

11—(1) Moneys that are required for the purpose of making grants of money under this Part shall be paid out of the Consolidated Revenue.

Financial provisions.
9 & 10 Geo. VI. No. 58, ss. 7, 8, 9.

(2) Moneys that are required for the purposes of this Part (other than the making of grants) shall be paid out of the moneys borrowed under the authority of this section or under the authority of the Acts that are specified in the second schedule.

(3) The amounts authorized to be borrowed by the Acts that are specified in the second schedule shall be deemed to have been borrowed for the purposes of this Part, and the provisions of this Part apply to the expenditure thereof accordingly.

(4) For the purposes of this section, the Treasurer may borrow any sums of money not exceeding in the aggregate the sum of two hundred and fifty thousand pounds.

PART IV.

SPECIAL PROVISIONS RELATING TO PRIMARY INDUSTRIES.

12—(1) Subject to subsection (3) of this section, the Minister may, on the recommendation of the Director—

Power of Minister to establish, &c., factories and works.

- (a) establish, purchase, manage, and carry on, or arrange with a person to establish, purchase, manage, or carry on on behalf of the Minister, any factory or works for the manufacture, processing, preservation, treatment, or utilization of agricultural products, or for the processing or utilization of the by-products of agricultural products or of waste agricultural products;
- (b) purchase such raw materials, and such stock, plant, machinery, and utensils, as may be necessary for the operation of any factory or works established, purchased, managed, or carried on by or on behalf of the Minister pursuant to this section;
- (c) sell, either as a going concern or otherwise, any factory or works established or purchased by or on behalf of the Minister pursuant to this section, or any part thereof, or any raw materials, stock, plant, machinery, or utensils purchased by the Minister pursuant to this section;
- (d) sell and dispose of the products of any factory or works established, purchased, managed, or carried on by or on behalf of the Minister pursuant to this section;

7 Geo. VI. No. 5, s. 8.

- (e) promote arrangements for the establishment and conduct of co-operative organizations of persons engaged in any primary industry;
 - (f) represent, or appoint a person to represent, the State on the governing body of any organization of persons engaged in a primary industry, being an organization that has been granted assistance under this Act;
 - (g) engage and employ such managers, servants, and workmen as he may think fit, upon and subject to the terms and conditions of the industrial award that is applicable to their employment, or, if no industrial award is applicable thereto, upon and subject to such terms and conditions as the Minister may determine; and
 - (h) generally, do all such acts and things as may be necessary for carrying on the manufacture, processing, preservation, treatment, or utilization of agricultural products, or the processing or utilization of the by-products of agricultural products or of waste agricultural products.
- (2) For the purposes of this section—
- (a) factories or works (other than the factory or works to which the *Devon Cannery Agreement Act 1954* relates) that were established or acquired by the Rural Industries Board pursuant to the *Rural Industries Act 1943* and that were being managed or carried on by or on behalf of the Board immediately before the commencement of this Act shall be deemed to have been established by the Minister pursuant to this section, and may be managed or carried on by or on behalf of the Minister accordingly; and
 - (b) a manager, servant, or workman who was engaged by that Board before the commencement of this Act and is in the employment of that Board at the commencement of this Act shall be deemed to have been engaged by the Minister pursuant to this section, and the Minister may continue to employ him accordingly for the purposes of this Act.
- (3) No factory or works shall be established or purchased by or on behalf of the Minister pursuant to this section unless the establishment or purchase thereof has been authorized by a resolution of both Houses of Parliament.
- (4) For the purpose of managing and carrying on any factory or works pursuant to this section the Minister may, by order—
- (a) establish a board of management and prescribe its constitution; and

- (b) confer and impose on the board of management all of the powers, functions, and duties of the Minister under this section, or such of those powers, functions, and duties as may be specified in the order.

(5) An order under subsection (4) of this section is a statutory rule within the meaning of the *Rules Publication Act 1953*.

(6) Notwithstanding the foregoing provisions of this section, where a person to whom assistance has been given under this Act—

- (a) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors or assigns his estate for their benefit; or
- (b) being a company, is wound up, whether voluntarily or otherwise,

the Minister shall not carry on, or arrange with any person to carry on on behalf of the Minister, any factory or works of the first-mentioned person for any period exceeding six months unless the Minister is authorized so to do by a resolution of both Houses of Parliament.

(7) In subsection (6) of this section, "assistance" includes—

- (a) the granting of a loan;
- (b) the giving of a guarantee pursuant to paragraph (c) of subsection (4) of section eight; or
- (c) the entering into a lease of any land purchased by the Minister pursuant to section nine.

13—(1) As soon as practicable after the close of each financial year the Director shall cause to be prepared, in such form and containing such particulars as the Treasurer may direct, in respect of the operations of each of the factories and works managed or carried on by or on behalf of the Minister pursuant to section twelve—

Accounts.
Ibid., s. 10.

- (a) a trading account;
- (b) a profit and loss account; and
- (c) a balance sheet.

(2) The profits (if any) arising from the operations of any factory or works managed or carried on by or on behalf of the Minister pursuant to section twelve shall be applied as the Governor may direct.

(3) The Rural Industries Board shall—

- (a) as soon as practicable after the commencement of this Act, pay to the Treasurer to the credit of the Consolidated Revenue all moneys then standing to the credit of the profit and loss account of the Board under the *Rural Industries Act 1943*; and
- (b) upon the completion of all matters and transactions necessary for the purpose of carrying out or giving effect to the provisions of the *Devon Cannery Agreement Act 1954*, forthwith repay to the Treasurer all moneys borrowed under or for the purposes of the *Rural Industries Act 1943*, to the extent to which those moneys have not then been applied for the purposes of that Act.

PART V.

MISCELLANEOUS.

Prohibition of expenditure except upon Committee's recommendation.

14 Notwithstanding any other provision of this Act—

- (a) the Minister shall not expend any moneys; and
- (b) the Director shall not make any recommendation to the Minister with respect to, or that will, or is likely to, involve the expenditure of any moneys,

under or for the purposes of this Act, except with the recommendation of the Committee.

Misconduct of Committee.

15—(1) A member of the Committee who—

- (a) participates in the profit of, or in any emolument or benefit arising from, any agreement or transaction made or entered into by the Minister under the authority of this Act;
- (b) votes at a meeting of the Committee in respect of a matter in which he is (otherwise than as a member of the general public) directly or indirectly interested; or
- (c) remains at a meeting of the Committee while any matter referred to in paragraph (b) of this section is under discussion,

is guilty of a crime, which may be stated in an indictment therefor as "Misconduct as a member of the Industrial Development Committee".

(2) A member of the Committee, a member of whose family participates in any profit, emolument, or benefit mentioned in paragraph (a) of subsection (1) of this section, shall be deemed himself to have participated therein, unless he proves that no benefit or advantage, direct or indirect, has been or will be derived by him from that participation by the member of his family.

16 The Director shall, not later than the thirty-first day of August in each year, submit to the Minister a report on the operations under, and the administration of, this Act during the financial year ended on the preceding thirtieth day of June; and the Minister shall cause a copy of the report to be laid upon the table of each House of Parliament within the first ten sitting days of the House after the report is received by him. Annual report.

17 The Governor may make regulations under this Act. Regulations

18 This Act shall expire on the thirty-first day of December 1956. Expiry of Act.

THE FIRST SCHEDULE.

(Section 2)

ACTS REPEALED.

Year and number of Act.	Short title of Act.
7 Geo. VI. No. 5	<i>Rural Industries Act 1943</i>
7 & 8 Geo. VI. No. 90 ..	<i>Rural Industries Act 1944</i>
9 & 10 Geo. VI. No. 58	<i>Industries Establishment Act 1946</i>
11 Geo. VI. No. 19	<i>Industries Establishment Act 1947</i>
No. 47 of 1948	<i>Industries Establishment Act 1948</i>
No. 7 of 1950	<i>Rural Industries Act 1950</i>
No. 22 of 1950	<i>Industries Establishment Act 1950</i>
No. 91 of 1950	<i>Industries Establishment Act (No. 2) 1950</i>
No. 72 of 1951	<i>Industries Establishment Act 1951</i>
No. 77 of 1951	<i>Rural Industries Act 1951</i>
No. 60 of 1953	<i>Industries Establishment Act 1953</i>

THE SECOND SCHEDULE.

(Section 11)

ACTS AUTHORIZING THE BORROWING OF MONEYS.

Year and number of Act.	Title of Act.	Section or item.	Amount.
7 & 8 Geo. VI. No. 85	<i>Public Works Execution Act 1944.</i>	Schedule, item 4.	£ 20,000
8 & 9 Geo. VI. No. 38	<i>Public Works Execution Act (No. 2) 1944.</i>	First schedule, item 8.	20,000
		First schedule, item 24.	4,500
9 Geo. VI. No. 28	<i>Public Works Execution Act 1945.</i>	First schedule, item 4.	10,000
		First schedule, item 33.	40,000
9 & 10 Geo. VI. No. 58.	<i>Industries Establishment Act 1946.</i>	Section 9.	640,000
10 Geo. VI. No. 38	<i>Public Works Execution Act 1946.</i>	First schedule, item 44.	200,000
No. 5 of 1948	<i>Public Works Execution Act 1948.</i>	Schedule, Part II., item 4.	100,000