

CHILD WELFARE.

No. 56 of 1972.

AN ACT to amend the *Child Welfare Act 1960*.
[21 December 1972.]

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 *Child Welfare Act 1972*.

Short title and citation.

(2) The *Child Welfare Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section sixty-eight of the Principal Act is amended by omitting subsection (7) thereof.

Public performances involving danger.

RURAL RECONSTRUCTION.

No. 57 of 1972.

AN ACT to amend the *Rural Reconstruction Act 1971*.
[21 December 1972.]

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 *Rural Reconstruction Act 1972*.

Short title and citation.

(2) The *Rural Reconstruction Act 1971* is in this Act referred to as the Principal Act.

Proceedings
of the Board.

2 Section ten of the Principal Act is amended by omitting from subsection (2) the word "four" and substituting therefor the word "three".

Loans.

3 Section sixteen of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) Where the Board makes a loan—

(a) to a farmer for the purposes of the Agreement; or

(b) in accordance with Part IV of the Schedule to the Agreement,

it may, if it thinks fit, require the person to whom the loan is made to give security for repayment of the loan with interest."; and

(b) by inserting after subsection (3) the following subsection:—

"(3A) Where a loan has been made in accordance with Part IV of the Schedule to the agreement—

(a) the money lent;

(b) any right of the borrower thereto under any instrument or by reason of a deposit; or

(c) any property bought therewith,

shall not be affected by, or taken under, any process of execution of any judgment or order against the borrower obtained by a person other than the Board."

Notification
of issue of
protection
certificates
to be
gazetted, &c.

4 Section nineteen of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) Immediately upon the issue of a protection certificate, the Board shall—

(a) notify its issue to such of the farmers' creditors as are affected by it and are known to the Board;

(b) cause a notification of its issue to be published in the *Gazette*;

(c) where a farmer is the registered proprietor of land under the *Real Property Act 1862*, lodge with the Recorder of Titles a caveat in the prescribed form forbidding the registration of any instrument affecting any such land or any estate therein;

(d) where a farmer has any estate in land not under the *Real Property Act 1862*, register in the Registry of Deeds a memorial of its issue identifying the land and the farmer in the prescribed form; and

- (e) where a farmer is a purchaser from the Crown of lands under the *Crown Lands Act 1935*, forward a copy of the certificate to the Director of Lands.”; and
- (b) by omitting from subsection (2) the words “, the Registrar of Deeds, the Recorder of Titles.”.

5 Section twenty of the Principal Act is amended by adding at the end of subsection (4) the words “ and shall withdraw any caveat lodged pursuant to paragraph (c) of subsection (1) of section nineteen ”. Duration of protection certificates.

6 Section twenty-one of the Principal Act is amended by adding at the end of subsection (5) the words “, and any instrument made to give effect to a power of sale exercised contrary to paragraph (c) of subsection (1) of this section is void and of no effect unless it was executed before the relevant protection certificate was registered or forwarded or the relevant caveat lodged as provided in subsection (1) of section nineteen in or to the office relevant to the land assured by the instrument ”. Effect of protection certificate.

7 Section twenty-two of the Principal Act is amended— Protection of guarantors, predecessors in title, &c.

(a) by omitting from subsection (4) the word “ Any ” and substituting therefor the words “ Subject to subsections (4B) and (4C) of this section, any ”; and

(b) by inserting after subsection (4) the following subsections:—

“(4A) Where another person or any of his predecessors in title mentioned in paragraph (b) of subsection (2) of this section or a creditor or any of his predecessors in title mentioned in paragraph (b) of subsection (3) of this section is a mortgagor of that land, the Board may—

(a) if the land is under the *Real Property Act 1862* and the mortgage is registered thereunder, lodge with the Recorder of Titles a caveat in the prescribed form forbidding the registration of any instrument affecting the mortgage (except to discharge it) or any interest therein; or

(b) if the land is not under the *Real Property Act 1862*, register in the Registry of Deeds a memorial of the relevant protection certificate in the prescribed form identifying the land and the mortgagor and setting forth the relationship between the farmer and the mortgagor of the land.

“(4B) If no caveat is so entered when an instrument is lodged for registration affecting the mortgage or any interest therein that instrument is valid according to its tenor and the Recorder of Titles shall register it accordingly.

“(4c) If a conveyance in the exercise of the power of sale by a mortgagee or an assurance intended to obtain the benefit of a security given by the mortgagor is registered in the Registry of Deeds in priority to the registration of a memorial in pursuance of paragraph (b) of subsection (4A) of this section that conveyance may be a valid exercise of the power of sale or that assurance may be valid according to its tenor notwithstanding anything contained in subsection (4) of this section.”.

Notification of determination to be gazetted, &c.

8 Section forty-two of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The Board shall—

(a) cause a notification of every determination, any cancellation, extension, or variation thereof made under section forty and any annulment thereof under section forty-five to be published in the *Gazette*;

(b) where a farmer is the registered proprietor of land under the *Real Property Act 1862*, lodge with the Recorder of Titles, a caveat in the prescribed form identifying the land affected thereby and forbidding the registration of any instrument affecting that land or any estate therein;

(c) where a farmer has an estate in land not under the *Real Property Act 1862*, register in the Registry of Deeds a memorial of the notification identifying the land and the farmer and in the prescribed form; and

(d) where a farmer is the purchaser from the Crown of lands under the *Crown Lands Act 1935*, forward a copy of the notification to the Director of Lands.”;

(b) by omitting from subsection (2) the words “Registrar of Deeds, the Recorder of Titles,”;

(c) by omitting from that subsection the words “and variations” and substituting therefor the words “variations, and annulments”; and

(d) by omitting from subsection (3) the words “or variation” and substituting therefor the words “variation, or annulment”.

Power of Board to annul plans on ground of disclosure of fraud or non-material facts.

9 Section forty-five of the Principal Act is amended by omitting subsection (2).

10 Section fifty of the Principal Act is amended—

(a) by inserting in subsection (1) after the word “Commonwealth” the words “(except in respect of the Post Master General’s Department)”; and

No payment by Board in respect of duties to Crown or Governmental agencies.

(b) by omitting from subsection (2) the words “include a municipal corporation or a committee thereof” and substituting therefor the words “include—

(a) a bank preserved or established by the *Commonwealth Banks Act 1959*;

(b) the Board of Management of the Agricultural Bank of Tasmania;

(c) the Hydro-Electric Commission;

(d) the Tasmanian Government Insurance Board; and

(e) a municipal corporation or a committee thereof”.

11 Section sixty-six of the Principal Act is amended by omitting from paragraph (b) of subsection (1) the words “is entered in the register kept by the Registrar of Deeds, the Recorder of Titles, or the Director of Lands, as the case may be” and substituting therefor the words “was in accordance with subsection (1) of section nineteen—

Effect of disposal or encumbrance of property during operation of a protection certificate without consent of Board.

(i) protected by a caveat lodged in;

(ii) registered in; or

(iii) forwarded to,

the office relevant to the land affected by the instrument”.

12—(1) The Board shall, within three months after the commencement of this Act, comply with—

Transitional provisions.

(a) paragraphs (c) and (d) of subsection (1) of section nineteen of the Principal Act in respect of all protection certificates issued by it under that section; and

(b) paragraphs (b) and (c) of subsection (1) of section forty-two of the Principal Act in respect of all determinations made under section forty of that Act and notified under section forty-two thereof,

before the commencement of this Act as if it had issued them after the commencement of this Act.

(2) The registers kept, immediately before the commencement of this Act, by the Registrar of Deeds and the Recorder of Titles under subsection (2) of section nineteen and subsection (2) of section forty-two of the Principal Act shall be closed to searching at the expiration of three months after the commencement of this Act.