



## STATE LOANS AND LOAN GUARANTEES

---

No. 61 of 1976

---

### ANALYSIS

1. Short title.
2. Application of Act.
3. Governor's authority for State loans and State loan guarantees.
4. Quantitative limits on State loans and State loan guarantees.
5. Supplementary provisions as to State loans.
6. Supplementary provisions as to State loan guarantees.
7. Report to Parliament.
8. Saving for other powers.
9. Regulations.

\*\*\*\*\*

**AN ACT to facilitate the making of State loans to certain organizations and the giving of State guarantees for the repayment of money lent to those organizations.**

[11 November 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 *State Loans and Loan Guarantees Act 1976*. Short title.

Application  
of Act.

**2**—(1) This Act applies to any association, society, or other body carried on for a charitable purpose or for any other purpose specified in subsection (2), being—

- (a) an association incorporated under the *Associations Incorporation Act 1964*;
- (b) a society registered under the *Co-operative Industrial Societies Act 1928*; or
- (c) any other incorporated body that the Governor, by order, declares to be an organization to which this Act applies, and any such association, society, or other incorporated body to which this Act applies is in this Act referred to as an “approved organization”.

(2) The following are the other purposes referred to in subsection (1):—

- (a) The provision of hospitals or similar institutions;
- (b) Any cultural or educational purpose;
- (c) Any sporting or recreational purpose;
- (d) The provision of agricultural shows.

Governor's  
authority for  
State loans and  
State loan  
guarantees.

**3**—(1) The Governor may give authority—

- (a) for the making of a State loan under this Act to an approved organization; or
- (b) for the giving of a State loan guarantee under this Act for the repayment of money lent, or to be lent, to such an organization.

(2) An authority under this section shall specify the approved organization to which the State loan is to be made or in respect of which the State loan guarantee is to be given.

(3) An authority under this section for the making of a State loan shall specify the maximum amount of the loan that may be made under the authority, and, subject to this Act, may specify the purposes for which, and the terms and conditions on which, the loan may be made.

(4) An authority under this section for the giving of a State loan guarantee shall specify either the loan in respect of which the guarantee is given, or the maximum amount of the loan that may be made the subject of the guarantee, and may specify the circumstances in which, and the terms and conditions on which, the guarantee may be given.

(5) Subject to the terms of the authority, an authority under this section for the giving of a State loan guarantee in respect of money lent, or to be lent, shall be deemed to include authority for the giving of a guarantee for the payment of interest and other charges payable in respect of those moneys.

4—(1) So much that has not, for the time being, been repaid of the total sums lent to a particular approved organization in State loans under this Act or in loans in respect of which State loan guarantees have been given under this Act shall not exceed \$150 000 or such greater sum as may be prescribed.

Quantitative limits on State loans and State loan guarantees.

(2) The aggregate of all sums borrowed by way of State loans under this Act that have not been repaid shall not exceed \$5 000 000.

(3) The aggregate of all sums borrowed by way of loans in respect of which State loan guarantees are in force under this Act, that have not been repaid, shall not exceed \$5 000 000.

5—(1) Where an authority is given under this Act for the making of a State loan that loan may be made by the Treasurer in accordance with the authority on such terms and conditions as, subject to this Act, he may determine.

Supplementary provisions as to State loans.

(2) The terms and conditions on which a loan is made under this Act shall make provision for the payment of interest, but shall not make provision for the payment of interest at a rate less than, or exceeding by more than one per cent, the rate of interest that the Treasurer is satisfied is payable on the most recent Commonwealth loans for securities issued for a period similar to that within which the loan is to be repaid.

(3) The terms and conditions on which a State loan is made under this Act may require security to be given for the repayment of the loan.

(4) For the purpose of making State loans under this Act such moneys shall be issued out of the Loan Fund as may be authorized by Parliament for the purpose.

Supplementary provisions as to State loan guarantees.

**6—**(1) Where authority is given under this Act for the giving of a State loan guarantee in respect of money lent, or to be lent, to an approved organization, the Treasurer may, on behalf of the State and in accordance with the authority, give that guarantee on such terms and conditions as he may determine.

(2) The terms and conditions on which a State loan guarantee is given under this Act may require the giving of security by the approved organization in respect of which the guarantee is given.

(3) Where, in consequence of the giving of a State loan guarantee under this Act in respect of money lent to an approved organization, the Treasurer is required to make a payment to the person to whom that money is required to be repaid, that payment shall without any authority other than this Act be paid by the Treasurer out of the Consolidated Revenue (which to the necessary extent is appropriated accordingly).

(4) Where a sum is paid out of the Consolidated Revenue under subsection (3) in respect of a loan made to an approved organization, the organization shall, on demand made to it by the Treasurer, pay to him a sum equal to the sum so paid together with interest thereon at the same rate as that payable in respect of principal moneys lent on that loan.

(5) Moneys received by the Treasurer under subsection (4) shall be paid into the Consolidated Revenue.

Report to Parliament.

**7** As soon as practicable after the end of each financial year the Treasurer shall lay before Parliament a statement giving particulars of all the State loans and State loan guarantees made under this Act during that financial year.

Saving for other powers.

**8** Nothing in this Act shall be construed as derogating from the powers conferred by any other Act to lend money or give guarantees.

Regulations.

**9** The Governor may make regulations for the purposes of this Act.