

2 Section twenty-one of the Principal Act is amended by adding at the end thereof the following subsection:—

Power of
Commissioner
to grant
licences to
certain
persons.

“(3) Notwithstanding anything contained in subsection (1) of section twenty-six or in the *Crown Lands Act 1935**, any temporary licence granted under the authority of this section may be granted so as to continue in force after the period specified in subsection (2) of section fourteen, and the Commissioner may, either before or after the period so specified, sell to the holder of any such licence the land to which the licence relates by private contract in accordance with the provisions of that Act, as if the licence were a residence licence under that Act.”.

3 The Principal Act is amended by adding at the end of the second schedule thereto the following items:—

Persons
entitled to
apply for
leases.

“Maynard, Andrew Armstrong |102|2 3 39|.....| |
Maynard, Bernard Richard| 87|2 3 25|52|22 2 32|”.

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Subsequently amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, 7 Geo. VI. No. 57, 9 Geo. VI. No. 22, and 10 Geo. VI. No. 52. See also 5 Geo. VI. No. 15.

TRIABUNNA COOL STORES.

No. 35 of 1950.

AN ACT to provide for the Management and Control of certain Cool Stores constructed at Triabunna in this State and for Matters incidental thereto.

[17 October, 1950.]

WHEREAS certain cool stores have been constructed on land belonging to the Crown at Triabunna in this State: PREAMBLE.

And whereas the cost of the construction of those cool stores has been defrayed out of moneys borrowed by the Treasurer under the authority of the *Loan (Provision of Cool Stores Act) 1941**:

And whereas it is desirable that provision be made for the management and control of those cool stores:

* 5 Geo. VI. No. 35, as amended by 7 Geo. VI. No. 24 and 11 Geo. VI. No. 9.

BE it therefore 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:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Triabunna Cool Stores Act 1950*.

(2) This Act shall commence on a date to be proclaimed.

Interpre-
tation.
Cf. 8 & 9 Geo.
VI. No. 50,
s. 2.

2 In this Act, unless the contrary intention appears—

“the board” means the Triabunna Cool Stores Board constituted under this Act;

“the cool stores” means the cool stores constructed on certain Crown lands (in this Act referred to as “the said lands”) situated at Triabunna in this State being the pieces or parcels of land respectively described in the schedule.

Constitution
of the board.
Ibid., s. 3.

3—(1) There shall be constituted for the purposes of this Act a board, to be called the Triabunna Cool Stores Board, which shall consist of three persons appointed by the Governor, one of whom shall be appointed by him as the chairman of the board.

(2) Any officer of the Public Service may be appointed as a member of the board, and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(3) The members of the board, as such, shall not be subject to the provisions of the *Public Service Act 1923**.

(4) The members of the board shall be paid such fees and allowances as the Governor may determine.

Incorporation
of the board.
Ibid., s. 4.

4—(1) The board shall be a body corporate, having perpetual succession and a common seal.

(2) The seal of the board shall not be affixed to any document except in accordance with a resolution of the board, and shall be authenticated by the signatures of the chairman and the secretary, but if the chairman is absent any member of the board may sign on his behalf.

(3) The chairman shall be the executive officer of the board.

Proceedings
of the board.

5—(1) The chairman, if present, shall preside at all meetings of the board, and shall have a deliberative vote.

(2) Any two members of the board shall form a quorum for the transaction of the business of any meeting of which notice has been given, personally or by post, to all the members, and the board may function, notwithstanding any vacancy in its membership, if a quorum remains.

* 13 Geo. V. No. 25. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948 (12 & 13 Geo. VI.). Subsequently amended by No. 36 of 1949.

(3) Where the voting on any question is equal, the decision shall be postponed until the next meeting of the board, and notice of the question and of the fact that the voting thereon was equal shall be given in the notice calling the meeting, and if the voting on the question is again equal the chairman shall have a second or casting vote.

(4) Subject to this section, the board may regulate its own procedure.

6—(1) The board may, with the approval of the Minister, appoint any person to act with the board in an advisory capacity. Power of board to co-opt an advisory member. *Ibid.*, s. 6.

(2) Any person appointed to act with the board in accordance with subsection (1) of this section shall—

(a) deliberate with and advise the board on any matters specified by the board, when required by the board so to do, but shall not vote on any question arising at any meeting of the board; and

(b) be paid such fees as the Governor may determine.

7—(1) Subject to this section, the board may appoint a secretary to the board and such other officers and employees as it thinks necessary for the purposes of this Act, upon such terms and conditions as the board may determine. Appointment of officers. *Ibid.*, s. 7.

(2) Any officer of the Public Service may hold office under this Act in conjunction with his office as an officer of the Public Service, and shall, in respect of his duties and functions under this Act, be subject to the directions of the Board.

(3) The board shall not appoint as an officer or employee for the purposes of this Act any person who is subject to the provisions of the *Public Service Act 1923**, except with the approval of the Governor given on the recommendation of the Public Service Commissioner.

8 As soon as practicable after the commencement of this Act the Commissioner of Crown Lands shall, under and in accordance with the provisions of section seventy-seven of the *Crown Lands Act 1935†*, grant to the board a lease of the said land for such term, and at such rental and upon such terms and conditions, as, subject to that section, may be agreed upon between the Commissioner and the board or as, in default of agreement, may be determined by the Governor. Lease of cool stores, &c., to the board. *Ibid.*, s. 8.

9—(1) Subject to this Act and to any directions given to it by the Minister the board shall have the general management and control of the cool stores and shall do all such acts and things and perform such functions as may be necessary for the purpose of ensuring the efficient operation thereof. Powers and functions of the board. *Ibid.*, s. 9.

* 13 Geo. V. No. 25. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948 (12 & 13 Geo. VI.). Subsequently amended by No. 36 of 1949.

† 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Subsequently amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, 7 Geo. VI. No. 57, 9 Geo. VI. No. 22, and 10 Geo. VI. No. 52. See also 5 Geo. VI. No. 15.

- (2) The board may, with the approval of the Minister—
- (a) allocate space for the storage of commodities in the cool stores;
 - (b) fix charges for the storage of commodities in the cool stores; and
 - (c) make such additional provision for cool storage, or any matters connected therewith, or for the more efficient operation of the cool stores, as the board may think necessary, or as may be necessary for ensuring compliance with the provisions of any Act or Commonwealth Act relating to the export of any commodities.

(3) The board shall not, so long as any part of the capital cost of the cool stores remains owing to the State, sell, exchange, or otherwise dispose of, or mortgage or charge, any part of the property or assets of the board, except with the prior approval of the Governor.

Power of
board to
borrow
£1000.
Ibid., s. 10.

10—(1) The board may, with the approval of the Treasurer, borrow any sums of money, not exceeding in the whole the sum of one thousand pounds, for the purposes of this Act.

(2) The Treasurer may borrow any sum of money, not exceeding in the whole the sum of one thousand pounds, for the purposes of this Act, and may advance any moneys so borrowed to the board on such terms and conditions as he may determine.

(3) Where any moneys are advanced to the board by the Treasurer under this section the board shall make such provision as the Treasurer may require for the repaying of the moneys so advanced.

Accounts to
be prepared
by the board.
No. 24 of
1950, s. 10.

11 As soon as practicable after the close of each financial year, the board shall cause to be prepared, in respect of that financial year—

- (a) a trading account;
- (b) a profit and loss account;
- (c) a profit and loss appropriation account; and
- (d) a balance sheet—

in such form, and contain such particulars, as the Auditor-General may direct.

Application
of profits.
8 & 9 Geo. VI.
No. 50, s. 12.

12—(1) Unless the Minister otherwise directs, the board may retain all profits arising from the activities of the board under this Act.

(2) All net profits retained by the board under subsection (1) of this section shall be applied, as directed by the Governor, in and towards the establishment of a reserve fund for the purposes of—

- (a) meeting any losses arising or likely to arise in the course of the board's operations under this Act;

- (b) repaying the capital cost of the cool stores; and
 (c) defraying any unforeseen expenditure (other than capital expenditure) incurred, or likely to be incurred, by the Board.

13—(1) For the purposes of this Act, the capital cost of the cool stores shall be deemed to be the amount determined by the Governor, on the recommendation of a committee consisting of the Auditor-General, the Under-Treasurer, and the Director of Public Works to be the amount expended in the construction and equipment of the cool stores.

Capital cost of the cool stores.
 Cf. 8 & 9 Geo. VI. No. 20, s. 14.

(2) The board shall pay to the Treasurer quarterly in the months of September, December, March, and June in each financial year interest at the State rate (as defined in section twenty-four of the *Hydro-Electric Commission Act 1944**) on such part of the capital cost of the cool stores as may for the time being remain owing to the State.

14—(1) If, at any time after the commencement of this Act or partly before and partly after such commencement, any extension of the cool stores is effected, or any cool storage facilities are constructed on the said lands, and the costs of effecting that extension or constructing those facilities are defrayed, either wholly or partly, out of moneys borrowed by the Treasurer, or provided by Parliament, for the purpose, the Board shall pay interest to the Treasurer, as provided by subsection (2) of this section, on such part of those costs as is certified by the Auditor-General to have been defrayed out of the moneys so borrowed or provided and which has not been included in the capital cost of the cool stores, as determined under section thirteen.

Provision as to interest payable on capital cost of future extensions, &c., of the cool stores.

(2) The interest payable by the Board pursuant to this section shall be paid quarterly in the months of September, December, March, and June in each financial year, and shall be at the State rate, as defined in section twenty-four of the *Hydro-Electric Commission Act 1944**.

15 The Accounts of the board shall be subject to the provisions of the *Audit Act 1918†*.

Audit of accounts.
Ibid., s. 14.

16—(1) As soon as practicable after the close of each financial year, the board shall submit to the Minister a report of its operations during the previous financial year.

Board to report.
Ibid., s. 15.

(2) The Minister shall cause a copy of the report to be laid on the table of each House of Parliament within the first fourteen sittings days after it is received by him.

* 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 33, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948. See also 10 Geo. VI. No. 46.
 † 9 Geo. V. No. 3. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 237. Subsequently amended by 1 Geo. VI. No. 63, 3 Geo. VI. No. 34, 11 Geo. VI. No. 70, and No. 54 of 1949.

THE SCHEDULE.

TOWN OF TRIABUNNA.

(0a. Or. 35 7/10p. or thereabouts.)

Commencing at a point on the High Water Mark on Spring Bay distant 111 feet or thereabouts south easterly from the west angle of 2a. Or. 15½p. held under temporary licence by the Department of Agriculture (Fisheries Division) and bounded on the north west by 35 feet or thereabouts south westerly across portion of Spring Bay aforesaid on the south west by 184 feet or thereabouts south easterly along portion of Spring Bay aforesaid again on the north west by 27 feet or thereabouts south westerly again across portion of that bay again on the south west by 18 feet 3½ inches south easterly again along portion of that bay on the south east by 3 feet 6 inches or thereabouts north easterly again across portion of that bay again on the south west by 72 feet or thereabouts south easterly again along portion of that bay to the jetty again on the south east by 60 feet or thereabouts north easterly along the jetty aforesaid and along a continued line of the prolongation of the north western side of that jetty to the High Water Mark aforesaid and thence by that High Water Mark to the point of commencement.

(0a. Or. 2 6/10p. or thereabouts.)

Commencing at a point on the High Water Mark on Spring Bay distant 16 feet or thereabouts south easterly from the north east angle of 0a. Or. 35 7/10p. or thereabouts previously described and bounded on the north west by 20 feet or thereabouts south westerly along a continued line of the prolongation of the south eastern side of the jetty and along the jetty on the south west by 40 feet or thereabouts south easterly along portion of Spring Bay aforesaid on the south east by 20 feet or thereabouts north easterly across portion of that bay to the High Water Mark aforesaid and thence by that High Water Mark to the point of commencement.

PUBLIC WORKS EXECUTION (No. 2).

No. 36 of 1950.

AN ACT to provide for the execution and carrying out of a certain public work, and to authorise the borrowing of a certain sum of money for meeting the cost of that work. [17 October, 1950.]

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:—

Short title.

1 This Act may be cited as the *Public Works Execution Act (No. 2) 1950.*