

TASMANIAN DEVELOPMENT (MISCELLANEOUS PROVISIONS) ACT 1983

No. 88 of 1983

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SCHEDULE 1

AMENDMENT OF SPECIFIED ACTS

SCHEDULE 2

AMENDMENT OF REFERENCES IN SPECIFIED ACTS

AN ACT to amend certain enactments in consequence of the enactment of the Tasmanian Development Act 1983.

[Royal Assent 20 December 1983]

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 Tasmanian Development Short title. (Miscellaneous Provisions) Act 1983.

Commence-

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2—This Act shall commence on the same day as that fixed by proclamation under section 2 (2) of the Tasmanian Development Act 1983.

Amendment of specified Acts.

3—Each Act specified in column 1 of Schedule 1 is amended in the manner specified in column 2 of that Schedule.

Amendment of references in specified Acts.

4—Each of the provisions of the Acts specified in column 1 of Schedule 2 is amended by omitting "Board", as indicated in column 2 of that Schedule, and substituting "Authority".

SCHEDULE 1

Section 3

	AMENDMENT OF SPECIFIED ACTS
COLUMN 1	Column 2
Short title of Act affected	Amendment
Apple Industry Assistance Act 1981	Section 3 (1)— (a) Omit the definition of "Authority" and substitute the following definition:— "Authority" means the Tasmanian Development Authority;
	(b) Omit the definition of "Board";
	(c) Insert the following definition after the definition of "eligible apple grower":— "former Board" means the Board of Management of the Agricultural Bank of Tasmania;
	(d) Omit the definition of "owner".
	New section 12A—
	Insert the following section after section 12:—
Transfer of rights, &cc., under this Act to the Authority.	12A—(1) On and after the day fixed by pro- clamation under section 2 (2) of the <i>Tasmanian</i> Development Act 1983 all the functions, powers, rights, obligations, and liabilities of the former Board under this Act as existing immediately before that day shall be transferred to the Tas- manian Development Authority.
Beauty Point Landslip	(2) Without limiting the generality of subsection (1), the account established pursuant to section 6 shall continue to be kept by the Tasmanian Development Authority. Section 4 (2)—
Act 1970	Omit paragraph (a) and substitute the following paragraph:—
	(a) a person nominated by the Chairman of the Tasmanian Development Authority;
	Section 4 (3)—
	Omit "The Manager of the Agricultural Bank of Tasmania" and substitute "The person nominated under subsection (2) (a)".
Closer Settlement Act	i ·
1957	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Develop- ment Authority;

Column 1	COLUMN 2
Short title of Act affected	Amendment
	Part II— Repeal the Part.
	Section 11— Repeal the section.
	Section 15— Repeal the section.
	Section 16— Repeal the section.
	Section 17— Repeal the section.
	Section 18— Repeal the section.
	Section 19— Repeal the section.
	Section 21 (2)— Omit the subsection.
	Section 22— Repeal the section.
	Section 23— Omit subsections (3) and (4).
	Section 33 (1)— Omit ", with the consent of the Minister,".
	Section 35 (7)— Omit "Board's" and substitute "Authority's"
	Section 37 (3)— Omit ", with the consent of the Minister,".
	Section 38— Omit ", with the consent of the Minister,".
	Section 39 (1)— Omit "and with the consent of the Minister".
	Section 40— Repeal the section.

Column 1	COLUMN 2
Short title of Act affected	Amendment
	Section 41 (3)— Omit the subsection and substitute the following subsection:— (3) An advance under this section is repayable within such term as the Authority may direct, and security for its repayment, or of any part repayment, with interest, may be taken by the Authority.
	Section 42— Omit ", with the consent of the Minister,".
	Part VII— Repeal the Part. Section 51 (2)— (a) Omit "Board" where first occurring, and substitute "Closer Settlement Board"; (b) Omit "the Board acting in place of the Minister where required but subject to his consent" and substitute "the Authority acting in place of the Minister where required".
•	Section 52— Repeal the section.
	Section 53— Repeal the section.
	Section 54— Repeal the section.
	Section 55— Repeal the section.
	Section 56— Repeal the section.
	Section 3 (1)— Repeal the section.
	Section 58— Repeal the section.
Co-operative Housing Societies Act 1963	Section 3 (1)— Omit ", under and in accordance with the provisions of the <i>Public Service Act</i> 1973,".

Column 1	COLUMIN 2
Short title of Act affected	Amendment
Education Act 1932	Section 32B (3)— Omit "Industrial Development Act 1954" and substitute "Tasmanian Development Act 1983".
Fire Service Act 1979	Section 82 (5)—
	Omit "Board of Management of the Agricultural Bank of Tasmania" and substitute "Tasmanian Development Authority".
	Section 88 (3) (a)— Omit "Board of Management of the Agricultural Bank of Tasmania" and substitute "Tasmanian Development Authority".
Fisheries Development	Section 2—
Act 1977	Omit the definition of "Bank".
	Section 3 (2)—
	Omit paragraph (b) and substitute the following paragraph:—
	 (b) an officer of the Tasmanian Development Authority nominated by the Chairman of the Tasmanian Development Authority;
	Section 3 (4)—
	Omit the subsection and substitute the following subsection:—
	(4) The person nominated pursuant to subsection (2) (b) may authorize any other officer of the Tasmanian Development Authority to act in his stead as member of the Fisheries Development Authority, and anything done in pursuance of that authorization has the like effect as if it were done by that person.
	Section 12 (1)— Omit "the Bank may, from the funds available to it for the purposes of the State Advances Act 1935," and substitute "the Tasmanian Development Authority may".
	Section 12 (2)— Omit "Bank" and substitute "Tasmanian Development Authority".

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COLUMN 1	COLUMN 2
Short title of Act affected	Amendment
	Section 12 (3)— (a) Omit "Bank", where twice occurring, and substitute "Tasmanian Development Authority"; (b) Omit "normal".
	Section 12 (4)— (a) Omit "normal"; (b) Omit "Bank" and substitute "Tasmanian Development Authority".
	Section 12 (5)— Omit "Bank", where twice occurring, and substitute "Tasmanian Development Authority".
	Section 12 (6)— Omit the subsection and substitute the following subsection:—
	(6) For the purposes of this section, the rate prevailing at any time shall be such rate as may be determined by the Tasmanian Development Authority from time to time.
Fruitgrowing Industry Reconstruction Agreement Act 1972	Section 2 (1)— Insert the following definition before the definition of "Board":— "Authority" means the Tasmanian Development Authority;
	Section 7 (2)— Omit the subsection.
Transfer of rights, &c., under this Act to the Authority.	New section 16— Insert the following section after section 15:— 16—(1) On and after the day fixed by proclamation under section 2 (2) of the Tasmanian Development Act 1983— (a) all the functions, powers, rights, obliga-
	tions, and liabilities of the Board in respect of assistance given under the scheme immediately before that day shall be transferred to the Authority; and

Column 1	Column 2
Short title of Act affected	Amendment
	(b) references in this Act to the Board shall be read as references to the Authority.
	(2) Without limiting the generality of subsection (1) (a) the benefit of any security taken by the Board in respect of any such assistance shall be available to the Authority.
Home Builders'	Section 2—
Account Act 1971	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Development Authority;
	New section 5—
	Insert the following section after section 4:—
Money to be transferred to Authority.	5—On and after the day fixed by proclamation under section 2 (2) of the <i>Tasmanian Development Act</i> 1983, any money held by the Board of Management of the Agricultural Bank of Tasmania immediately before that day that was lent to the Board under section 3 (1) (a), and the obligation to repay that money, shall be transferred to the Authority.
Home Purchase Loans	Section 2—
Guarantees Act 1977	 (a) Insert the following definition before the definition of "bank":— "Authority" means the Tasmanian Development Authority; (b) Omit "the Board" from the definition of "bank" and substitute "the Authority"; (c) Omit the definition of "Board"; (d) Omit the definition of "manager of the Agricultural Bank".
	Section 5 (1)— Omit "manager of the Agricultural Bank" and substitute "Authority".

COLUMN 1	COLUMN 2
Short title of Act affected	Amendment
Transfer of	New section 9— Insert the following section after section 8:— 9—(1) On and after the day fixed by pro-
rights, &c., of Board under this Act to the Authority.	clamation under section 2 (2) of the Tasmanian Development Act 1983, all the functions, powers, rights, obligations, and liabilities of the Board of Management of the Agricultural Bank of Tasmania under this Act as existing immediately before that day shall be transferred to the Authority. (2) Without limiting the generality of subsection (1), any guarantee given to the Board under this Act shall be transferred to the Authority.
Homes Act 1935	Section 3 (1)— (a) Insert the following definition after the definition of "applicant":— "Authority" means the Tasmanian Development Authority; (b) Omit the definitions of "Bank" and "Board"; (c) Omit the definition of "Manager".
	Section 4 (1)— (a) Omit "his" and substitute "their"; (b) Insert "and the Authority" after "Director".
	Section 4 (2)— Omit the subsection.
	Section 7A—— Repeal the section.
	Section 8— Repeal the section and substitute the following section:—
Authority's power to borrow.	8—For the purposes of this Act, the Authority may, with the consent of the Treasurer, borrow money in accordance with section 24 of the Tasmanian Development Act 1983.

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Column 1	COLUMN 2
Short title of Act affected	Amendment
	Section 9— Repeal the section and substitute the following section:—
Guarantee of loans.	9—(1) The due repayment of money borrowed under section 8, and the payment of interest payable in respect of that money, are a charge on the revenue of the Authority from whatever source arising, and are, by virtue of this section, guaranteed by the State.
	(2) The provisions of section 25 of the Tasmanian Development Act 1983 apply to and in relation to a guarantee in force under subsection (1).
	(3) Any liability of the State arising under subsection (1) or (2) shall be payable out of the Consolidated Revenue Fund, and the amount of any such liability is, to the extent necessary, by virtue of this subsection, appropriated accordingly.
	Section 27 (a)—
	Omit "by the Board".
	Section 30 (3)— Omit the subsection.
	Section 42—
	Repeal the section.
	Section 46 (1)—
	Omit the subsection.
	New section 468—
Transfer of rights, &c., of Board	Insert the following section after section 46A:— 46B—(1) On and after the day fixed by pro- clamation under section 2 (2) of the Tasmanian

Development Act 1983, all the functions, powers,

rights, obligations, and liabilities of the Board of Management of the Agricultural Bank of Tas-

mania under this Act as existing immediately before that day shall be transferred to the

Authority.

Transfer of rights, &c., of Board under this Act to the Authority.

Column 1	Column 2
Short title of Act affected	Amendment
	(2) Without limiting the generality of subsection (1)—
	(a) any land, money, or other property acquired, vested in, or held by the Board under this Act; and
	(b) the benefit of any mortgage executed in favour of the Board in accordance with section 17 (6B) or 22 (1) or any security held by the Board in accordance with section 19 (1),
	shall be transferred to the Authority.
	Section 47 (1)— Omit paragraph (a).
	Section 47 (2)—
	Omit the subsection.
Housing Agreement Act 1956	Section 2—
ACT 1936	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Development Authority;
Housing Agreement	Section 2—
Act 1961	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Development Authority;
Housing Agreement	Section 2—
Act 1966	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Development Authority;
Housing Agreement	Section 2—
Act 1973	Omit the definition of "Board" and substitute the following definition:—

Column 1	Column 2
Short title of Act affected	Amendment
	"Authority" means the Tasmanian Develop- ment Authority;
Housing Agreement Act 1978	Section 2— Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Develop- ment Authority;
Housing Agreement Act 1982	Section 3— Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Develop- ment Authority;
Lawrence Vale Land-	Section 4 (2)—
slip Act 1961	Omit paragraph (a) and substitute the following paragraph:—
	(a) a person nominated by the Chairman of the Tasmanian Development Authority;
	Section 4 (3)—
	Omit "The Manager of the Agricultural Bank of Tasmania" and substitute "The person nominated under subsection (2) (a)".
Local Government	Section 240 (7) (b)—
Act 1962	Omit "Board of Management of the Agricultural Bank of Tasmania" and substitute "Tasmanian Development Authority".
Primary Producers'	Section 2—
Relief Act 1968	Omit the definition of "Board" and substitute the following definition:—
	"Authority" means the Tasmanian Develop- ment Authority;
	Section 4 (1) (b)—
	Omit all the words following "of interest at" and substitute "such rate as the Authority may determine; and".

COLUMN 1	Column 2
Short title of Act affected	Amendment
	Section 4A— Repeal the section.
	Section 6 (2)— Omit the subsection.
	Section 10— Omit subsection (2).
	Section 11— Repeal the section.
	Section 12— Repeal the section.
	Section 13A— Repeal the section.
	New section 15A—
Transfer of rights, &c., of Board under this Act to the Authority.	Insert the following section after section 15:— 15A—(1) On and after the day fixed by proclamation under section 2 (2) of the Tasmanian Development Act 1983, all the functions, powers, rights, obligations, and liabilities of the Board of Management of the Agricultural Bank of Tasmania under this Act as existing immediately before that day shall be transferred to the Authority. (2) Without limiting the generality of subsection (1)— (a) the right to repayment of any loan made by the Board under section 3; and (b) any security taken by the Board in accordance with section 6 (1),
Rural Adjustment Act 1977	shall be transferred to the Authority. Section 2 (1)— Omit the definition of "Board" and substitute the following definition:— "Authority" means the Tasmanian Development Authority; Section 6 (1)— Omit "Rural Reconstruction Board established under section 7" and substitute "Tasmanian Development Authority".

Column 1	COLUMN 2
Short title of Act affected	Amendment
	Section 6 (2)— Omit "Rural Reconstruction Board" and substitute "Tasmanian Development Authority".
	Section 7— Repeal the section.
	Section 8— Repeal the section.
	Section 8A— Omit "Rural Reconstruction Board" and substitute "Authority".
	Section 9 (1)— Omit "The function of the Board is to" and substitute "The function of the Authority with respect to this Act is to".
	Section 9 (2)— Omit the subsection.
	Section 11 (2)— Omit the subsection and substitute the following subsection:— (2) The security for the repayment of the advances and interest referred to in subsection (1) may be taken in favour of the Authority out of moneys available to the Authority from the Fund for the purpose of providing financial assistance under the Scheme.
	Section 11 (3)— Omit the subsection.
	Section 23 (2) (b)— Omit the paragraph.
Transfer of rights, &c., of Board to the Authority.	New section 30A— Insert the following section after section 30:— 30A—(1) On and after the day fixed by pro clamation under section 2 (2) of the Tasmanian Development Act 1983, all the functions, powers rights, obligations, and liabilities of the Rura

COLUMN 1	Column 2
Short title of Act affected	Amendment
	Reconstruction Board under this Act as existing immediately before that day shall be transferred to the Authority. (2) Without limiting the generality of subsection (1), any protection certificate granted by the Board under section 13 continues to have effect as if it were granted by the Authority.
	SCHEDULE II—PROTECTION CERTIFICATE—
	(a) Omit "Rural Reconstruction Act 1977", where twice occurring, and substitute "Rural Adjustment Act 1977";
	(b) Omit "Rural Reconstruction Board", where firstly occurring, and substitute "Tasmanian Development Authority";
	(c) Omit "The common seal of the Rural Reconstruction Board affixed in the presence of
	, chairman [or member] and , member [or secretary]" and substitute the following:— "(Common seal of the Tasmanian
	Development Authority)".
	Part I of Schedule V—
T . 4 . 1077	Omit paragraph 2.
Tourism Act 1977	Section 15— Omit "Director" and substitute "Tasmanian Development Authority".
	Section 18 (2) (d) (ii)—
	Omit "Director" and substitute "Tasmanian Development Authority".
Tourism and Recrea- tional Development Act 1977	Section 5— Repeal the section and substitute the following section:—
Loans for facilities.	5—The Treasurer may—
	(a) on the recommendation of the Tasmanian Development Authority and in consultation with the Minister in charge of tourism, lend money from

Column 1	Column 2
Short title of Act affected	Amendment
	the Fund to any person for the provision of, or promotion and development of, tourism facilities in the State; and
	(b) in consultation with the Minister in charge of recreation, lend money from the Fund to any person for the provision of, or promotion and development of, recreation facilities in the State,
	on such terms and conditions including the security in respect of the loan and the terms of repayment and interest as the Treasurer may determine.
Unemployment Relief Act 1932	Section 4 (3) (a)— Omit "Board of Management of the Agricultural Bank" and substitute "Tasmanian Development Authority".
War Service Land Settlement Act 1950	Section 3— (a) Insert the following definition before the definition of "Board":— "Authority" means the Tasmanian Development Authority; (b) Omit the definition of "with consent".
	Section 4— Repeal the section.
	Section 6— Omit "With consent the" and substitute "The".
	Section 11 (1)— Omit "With consent the" and substitute "The".
	Section 13— Insert "for the purposes of this Act" after "vested in it".
	Section 15 (T)— Omit "under its common seal".

COLUMIN 1	Column 2
Short title of Act affected	Amendment
	Section 21 (1)— Omit the subsection. Section 22 (3) (a)— Omit ", with consent, to the Board of Management of the Agricultural Bank of Tasmania" and substitute "to the Tasmanian Development Authority".
	Section 22 (3) (b)— Omit "Board of Management of the Agricultural Bank of Tasmania" and substitute "Tasmanian Development Authority".
	Section 39 (2)— Omit ", with consent,".
	Division I of Part IV— Repeal the Division.
	Division II of Part IV— Repeal the Division.
Transfer of functions and powers under this Act to Tasmanian Development Authority.	New section 69a— Insert the following section after section 69:— 69a—(1) On and after the day fixed by proclamation under section 2 (2) of the Tasmanian Development Act 1983— (a) all functions, powers, rights, obligations, and liabilities of the Closer Settlement Board under this Act as existing immediately before that day shall be transferred to the Tasmanian Development Authority; and (b) references in this Act to the Closer Settlement Board shall be read as references to the Tasmanian Development Authority. THE FIRST SCHEDULE— (a) Omit "Closer Settlement Board", wherever occurring, and substitute "Tasmanian Development Authority"; (b) Omit "in the presence of E.F., and G.H.,

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Column 1	Column 2
Short title of Act affected	Amendment
	(c) Omit " (Signed) E. F., Chairman or Member. (Signed) G. H., Member.", and substitute the following:—
	"(Common seal of the Tasmanian Development Authority)".
	THE SECOND SCHEDULE—
	(a) Omit "Closer Settlement Board", wherever occurring, and substitute "Tasmanian Development Authority";
	(b) Omit "in the presence of E.F., and G. H., members of the said Board";
	(c) Omit " (Signed) E. F., Chairman or Member. (Signed) G. H., Member.", and substitute the following:—
	"(Common seal of the Tasmanian Development Authority)".

SCHEDULE 2

Section 4

AMENDMENT OF REFERENCES IN SPECIFIED ACTS

COLUMN 1	COLUMN, 2		
Short title of Act affected	Provisions of Act amended by omitting "Board" and substituting "Authority"	Number of times word omitted appears in provision	
Apple Industry Assistance	Section 5 (1)	1	
Act 1981	(2)	2	
	Section 6	1	
	Section 8 (1)	1	
	Section 9 (1)	ī	
	Section-10 (a)	2	
	(b)	3	
	lo	3 1	
	1 := 1	2	
	(2)	1	
	(3)		
	Section 12 (1)	1	
	(2)	1	
	(4)	1	
	(5)	1	
Closer Settlement Act	Section 3—	1	
1957	definition of "holding"	1	
· ·	Section 14 (1)	ī	
	(2)	2	
	Section 20 (1)	2	
	(2)	1	
	Section 23 (1)	1	
	(2)	i	
	Section 24	î	
	Section 25 (1)	î	
	(2)	i	
	Section 26 (1)	1	
	(3)	1	
	Section 27 (1)	1	
	(3)	1	
	Section 28 (1)	1	
	(2)	1	
	(3)	1	
	1	1	
	(3A)		
	(4)	1 2 1 3 1	
	(6)	2	
	(7) Service 20 (1)	1	
	Section 29 (1)	3	
	(2)	1	
	(3) (d)	1	

COLUMN 1	Column 2	
Short title of Act affected	Provisions of Act amended by omitting "Board" and substituting "Authority"	Number of times word omitted appears in provision
	Section 30 (1)	4
	(2) (a)	1
	Section 31 (1) (a)	1
	(2)	1
	(3) (a)	1
	(4)	1
	(5)	1
	Section 33 (1)	1
	(2)	1
	Section 34	1
	Section 35 (3) (b)	1
	(4)	1
	(5)	1
	(6)	1
	(7)	2
	(8)	1
•	(9)	1
	(10)	1
	(11)	1
	(14)	3
	Section 36 (1)	1 1
	(2)	1 2
	Section 37 (1)	1
	(2)	1 2
	Section 38	1
	Section 38 (1)	2
	(2)	2
	Section 41 (1)	1 1 2 1 2 1 2 2 2 2
	(2)	1
	(5)	1
	(6)	1
	Section 42	1
	Section 59 (3)	1
our Duildand Access	Section 3 (1) (c)	1
ome Builders' Account	Section 3 (1) (a) Section 4 (2) (b)	1 2
Act 1971	(3) (a)	1
	() (4)	1
	Section 5 (1)	1
ome Purchase Loans		

COLUMN 1	COLUMN 2	
Short title of Act affected	Provisions of Act amended by omitting "Board" and substituting "Authority"	Number of times word omitted appears in provision
Homes Act 1935	Section 3 (1)— definition of "eligible person" Section 3 (2) Section 5 Section 17 (6A) (6B) (6D) Section 10 (1)	1 1 2 1 3
	Section 19 (1) (4) (b) Section 20 (3) (4)	2 1 1 2
	Section 21 (1)	2 2
	(2) Section 22 (1)	2
	Section 22 (1) Section 25 (c)	1
	(d) (e) Section 27 (a) Section 27A (1) (2) Section 32 Section 35 (2) (b)	2 2 2 3 1 2 2 2 1 1 2
	(3) Section 39 (1)	1 2
	Section 40 (1)	2
	Section 41 (1)	2
	(2) Section 44 Section 45	1 2 1
Housing Agreement Act 1956	Section 4 (4) (b) Section 5	1 1
Housing Agreement Act 1961	Section 4 (4) (b) Section 5	1 1
Housing Agreement Act 1966	Section 4 (4) (b) Section 5	1 1
Housing Agreement Act 1973	Section 4 (2) (b) Section 5	1 1
Housing Agreement Act 1978	Section 4 (2) (b) Section 5	1 1

COLUMN 1	COLUMN 2	
Short title of Act. affected	Provisions of Act amended by omitting "Board" and substituting "Authority"	Number of times word omitted appears in provision
Housing Agreement Act 1982	Section 5 (2) (b) Section 6	1
Primary Producers' Relief Act 1968	Section 3 Section 4 (1) (c)	1 1 2 2 1 1 1 2 1 1 1 1 1 3
Rural Adjustment Act 1977	Section 2 (1)— definition of "protection certificate" Section 9 (1) (a) Section 10 (2)	1 1 1 1 1 1 1 2 3 5 1 2 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1

COLUMN 1	COLUMN 2	
Short title of Act affected	Provisions of Act amended by omitting "Board" and substituting "Authority"	Number of times word omitted appears in provision
	Section 17 (1)	1
	(3)	1
	Section 20 (6)	1
	Section 21 (1)	1
	(2)	1
	(3)	1
	Section 23 (1)	1
	Section 25 (1)	2
	Section 26 (1)	1
	Section 27	1

