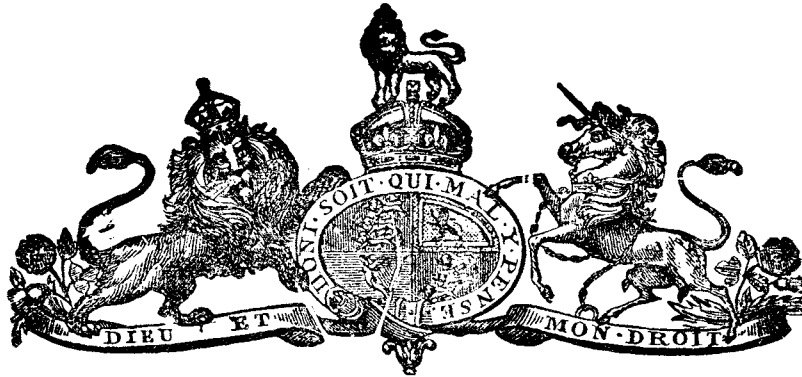


T A S M A N I A.



1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 3.

ANALYSIS.

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|---|--|
| <ul style="list-style-type: none"> 1. Short title. 2. Administration. 3. Power to Board to make advances. 4. Power to make unconditional grant in certain cases. 5. No interest to be charged unless payments in arrear. 6. Applications for advances. 7. Manner in which advances are to be made. 8. Security. | <ul style="list-style-type: none"> 9. Advances to be repayable if misapplied or if borrower ceases to carry on. 10. Recovery of moneys. 11. Power for Board to call for books, &c. 12. Exemptions from fees and stamp duty. 13. Costs of administration and application of moneys. 14. Power to Treasurer to advance moneys to the Board and to borrow £75,000. 15. Offences. 16. Regulations. |
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AN ACT to provide for Relief in certain cases to Primary Producers and Others who have Suffered Loss through Flood.

A.D. 1929.

[25 July, 1929.]

WHEREAS certain primary producers and others in this State, who have recently suffered grievous losses through floods or abnormal rains, are ineligible to participate in, or benefit by, the flood relief funds that have been established, and it is desirable to afford relief to such persons in certain cases :

Preamble.

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 :—

1 This Act may be cited as "The Flood Sufferers' Relief Act, 1929."

Short title.

Flood Sufferers' Relief.

A.D. 1929.

Administration.
7 Ed. VII. No.
20.Power to Board
to make advances.

2 This Act shall be administered by the Board of Management of the Agricultural Bank (hereinafter called "the Board") constituted under the provisions of the State Advances Act, 1907.

3—(1) The Board may make advances out of moneys at their disposal for the purposes of this Act to any person who satisfies the Board that he—

- i. Is engaged in any primary producing industry or undertaking in this State, or in any industry or undertaking depending for support mainly on primary producers; or, from any exceptional circumstances which the Board considers sufficient, is entitled, in the opinion of the Board, to relief under this Act :
- ii. Has suffered loss through abnormal rain or flood occurring within the State of Tasmania during the month of April, 1929.
- iii. Is unable, in consequence of such loss, to carry on such industry or undertaking successfully without assistance: and
- iv. Is not eligible for relief from any other fund established for flood relief or, if so eligible, is unable to obtain therefrom relief which, in the opinion of the Board, is adequate in the circumstances.

(2) The amount of any such advance shall not exceed in any case a sum to be prescribed.

(3) Every such advance shall be made upon such terms and conditions as the Board, subject to this Act, shall in each case determine, and shall be repayable within such period, not exceeding ten years, as the Board in each case may think fit.

Power to make
unconditional
grant in certain
cases.

4 In any case in which the Board is satisfied that the circumstances are such that an advance by way of loan will not afford adequate relief, the Board may pay to any such person as aforesaid such sum by way of unconditional grant as the Board may consider necessary, but the aggregate of all amounts to be paid by the Board, under the authority of this section, shall not exceed Four thousand Pounds.

No interest to be
charged unless
payments in
arrear.

5—(1) No interest in respect of any advance made under this Act shall be charged or payable except as hereinafter provided.

(2) If the amount of any such advance or of any instalment thereof, where the same is repayable by instalments, or any part thereof respectively, is in arrear and unpaid for a space of three calendar months after the same becomes due, the amount so in arrear shall bear interest at the rate of Six Pounds per centum per annum from the due date thereof until the same is paid.

(3) All moneys which become payable under the provisions of Section Nine hereof shall bear interest as aforesaid from the date when they become so payable.

(4) In any case where the Board is satisfied that the non-payment of any such amount when due has been caused by circumstances beyond the borrower's control, the Board may remit the interest payable thereon as aforesaid.

Flood Sufferers' Relief.

6—(1) The Board from time to time may cause advertisements to be published at such times and in such manner as the Board may think best, calling for applications from persons eligible therefor for assistance under the provisions of this Act. A.D. 1929.

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Application for
advances

(2) Any such advertisement published by the Board prior to the passing of this Act shall be deemed to have been so published under and for the purposes of this Act.

(3) Every application for an advance under this Act shall be made to the Board within a time to be prescribed, and shall be in the prescribed form, and contain the prescribed particulars.

(4) The Board may require such evidence as they think necessary in support of any statements in the application, and may require the applicant to attend before them for examination in any case.

7—(1) Wherever practicable every advance made under this Act shall be applied by the Board as far as possible in supplying to the borrower such goods, stock, seeds, manures, and other equipment as he may require for carrying on his industry or undertaking and as the Board may approve. Manner in which
advances are to
be made.

(2) In any case in which there are special circumstances, which in the opinion of the Board render it desirable so to do, the Board may make the advance, or such part thereof as the Board thinks fit, to the borrower in cash.

8—(1) The Board, before making any advance under this Act, may require and take such security for the repayment thereof as the Board in each case may think fit. Security.

(2) Such security as aforesaid shall be the best that can reasonably be obtained in the circumstances of the particular case, having regard to the position of the borrower.

(3) Any such security may be taken in manner provided by Section Forty-seven of the State Advances Act, 1907, and the provisions of that Act relating thereto shall apply to every security so taken in the same manner as if the same were taken under that Act. 7 Ed. VII. No.
20.

9 If any person to whom an advance has been made under this Act— Advances to be
repayable if
misapplied or if
borrower ceases
to carry on.

- i. Applies any money or goods advanced to him for any purpose other than that for which the advance was made: or
- ii. Ceases to carry on the industry or undertaking for the purposes of which the advance was made—

the amount of such advance or any part thereof which has not been repaid to the Board shall become due and payable to the Board forthwith and thenceforth shall bear interest at the rate provided by Section Five hereof.

10 The Board may sue for and recover from any person any moneys payable by him to the Board under this Act in any court of competent jurisdiction, and may enforce and realise any security held by the Board therefor in any manner allowed by law. Recovery of
moneys.

Flood Sufferers' Relief.

A.D. 1929.

Power for Board
to call for
books, &c.

11 The Board at any time may require an applicant for an advance, or a person to whom any advance has been made and has not been repaid, to produce to the Board such books, papers, documents, and accounts relating to the advance, or to any industry or undertaking in respect of which the same is sought or was made, as in the opinion of the Board may be necessary.

Exemptions from
fees and stamp
duty.

12 Any security taken by the Board under this Act shall be exempt from stamp duty, and may be filed, recorded, or registered without payment of any fee therefor.

Costs of
administration
and application of
moneys.

13—(1) All expenses incurred in the administration of this Act, including any moneys expended in relation thereto before the passing of this Act, shall be defrayed out of moneys to be provided by Parliament for that purpose.

(2) All moneys received by the Board in repayment of advances under this Act shall be paid into the Treasury, and shall be placed to the credit of an account to be called "The Flood Sufferers' Relief Redemption Account," and all payments of interest received by the Board shall be paid into and form part of the Consolidated Revenue.

Power to
Treasurer to
advance moneys
to the Board and
to borrow
£75,000.

14—(1) The Treasurer from time to time may pay and advance to the Board for the purposes of this Act any sum or sums of money not exceeding in the whole the sum of Seventy-five thousand Pounds.

(2) The Treasurer may raise, borrow, and receive for the purposes of this Act any sum or sums of money not exceeding in the whole the sum of Seventy-five thousand Pounds.

Offences.

15—(1) Any person who—

i. In any application for an advance under this Act or in any statement made in support of such application, makes a statement which, to his knowledge, is false in any material particular : or

ii. Having received an advance under this Act, whether in money or in kind, wilfully applies the same or any part thereof to any purpose other than that for which such advance was made—

shall be guilty of an offence.

Penalty : One hundred Pounds or six months' imprisonment.

(2) Any person who, being lawfully required by the Board to produce to the Board any book, paper, document, or account, fails or refuses so to do, without just cause, shall be guilty of an offence.

Penalty : Ten Pounds.

Regulations.

16—(1) The Governor from time to time may make regulations under and for the purposes of this Act, prescribing all matters and things which may be necessary or desirable for giving effect to such purposes.

(2) Any such regulation may impose a penalty not exceeding Ten Pounds for any breach of any regulation so made.