

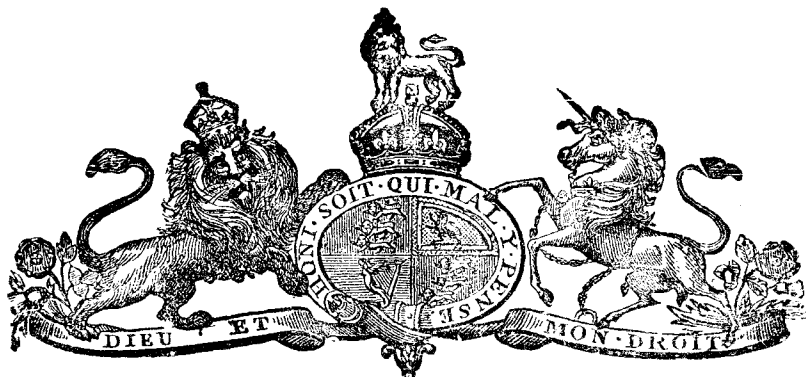
TASMANIA.

 THE LAMB RAISING INDUSTRY
 ENCOURAGEMENT ACT, 1925.

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1925.

ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 62.

AN ACT to encourage and improve the Lamb Raising Industry. [16 December, 1925] A.D. 1925.

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 Lamb Raising Industry Encouragement Act, 1925.” Short title

2 In this Act, unless the context otherwise indicates or requires— Interpretation.

“Bank” means the Agricultural Bank of Tasmania, established under the State Advances Act, 1907:

“Board” means the Lamb Raising Advisory Board constituted under this Act:

“Manager” means the Manager of the Bank:

“Registrar” means the Registrar of the Supreme Court of Tasmania:

“Section” means section of this Act:

“Stock mortgage” means a mortgage of sheep made or given under the provisions of this Act:

“Suspense Account” means the Lamb Raising Encouragement Suspense Account referred to in Section Three:

“Trustees” means the Trustees of the Bank.

7 Ed. VII. No. 20.

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Suspense Account
to be opened.

3—(1) There shall be opened in the books of the Treasury a suspense account to be called “The Lamb Raising Encouragement Suspense Account.” The debit balance of such account shall not at any time exceed the sum of Fifteen thousand Pounds.

(2) The Treasurer may from time to time provide and pay, out of any funds for the time being at his disposal, any moneys required for the purposes of this Act. All moneys so provided and paid by the Treasurer shall be debited to the Suspense Account.

The Lamb
Raising Advisory
BoardAppointment
of members.

Chairman.

Deputy-members
may be appointed.Expenses of
members.

Disqualifications.

4—(1) There shall be constituted for the purposes of this Act a board to be called “The Lamb Raising Advisory Board.”

(2) The Board shall consist of not less than five nor more than nine members, who shall be appointed by the Governor, and each of whom shall hold office for one year from the date of his appointment.

(3) One of such members shall be appointed by the Governor to be the Chairman of the Board.

5—(1) In case of the illness or absence of a member of the Board, the Governor may appoint some person to act as his deputy during such illness or absence, and until such appointment is terminated by notice in the “Gazette.”

(2) Every person so appointed shall, while so acting, have all the powers and perform all the duties of the person for whom he was appointed deputy.

6 Each member of the Board shall be entitled to be paid all such travelling and out-of-pocket expenses as shall have been reasonably incurred by him in the performance of his duties as such member.

7 Without prejudice to the power of the Governor to remove any member of the Board from office, the Governor may declare any such member to be disqualified from continuing to hold office if he—

- I. In any way participates, or claims to be entitled to participate, in the profit of, or in any benefit arising from, any contract or agreement made by or on behalf of the Trustees on the recommendation of the Board: or
- II. He votes at any meeting of the Board in respect of any recommendation in which he is (otherwise than as a member of the general public, or as a shareholder in, but not being a director of, any incorporated company in which there are more than twenty members) directly or indirectly interested, or if he remains at any meeting of the Board while

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the subject-matter of any such recommendation is under discussion: or

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- III. He is absent, without leave of the Board, from three consecutive meetings of the Board.

8— (1) The Chairman of the Board shall have a deliberative vote only. Procedure of Board.

(2) The Board may act notwithstanding a vacancy in its membership.

(3) Any three members of the Board shall form a quorum.

(4) When there is an equal division of votes the question shall pass in the negative.

(5) If the Chairman is absent from any meeting of the Board at the time appointed for the holding thereof, the members present shall appoint one of their number to act as chairman at such meeting.

(6) Subject to this Act, the Board may regulate its own procedure.

9 Subject to this Act, the Board shall have power— Powers of Board.

- I. To make recommendations to the Trustees with respect to any of the matters referred to in Section Ten, or any other matters as to which recommendations of the Board are required or prescribed by this Act:
- II. To advise the Trustees generally as to any matters connected with the exercise of their powers and functions under this Act:
- III. To make investigations and inquiries with respect to any matters calculated to encourage or improve the lamb-raising industry or the export of lambs:
- IV. To advise farmers and graziers as to any such matters as last aforesaid, either by the circulation of instructional literature or otherwise howsoever:
- V. To consult and confer with any local voluntary committee set up in or in respect of any municipality or municipalities, or other districts or areas, for the purpose of the encouragement or improvement of the lamb-raising industry and the export of lambs: and
- VI. To do such other things for the encouragement or improvement of the lamb-raising industry and the export of lambs as are prescribed.

10 It shall be lawful for the Trustees to do all or any of the following things, namely:— Powers of Trustees.

- I. To purchase sheep, and to sell the same to any farmer or grazier:

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- II. To make advances to any farmer or grazier for the purpose of enabling him to purchase sheep:
- III. To make advances to any farmer or grazier against the proceeds of the sale of any lambs produced and sold or exported, or consigned for sale by such farmer or grazier:
- IV. To take a lease of any land, for any term not exceeding three years, for the purpose of grazing or keeping thereon any sheep purchased by or belonging to the Trustees, and, pending the sale thereof, to graze or keep any such sheep on such land:
- V. To put out at agistment, pending the sale thereof, any sheep purchased by or belonging to the Trustees:
- VI. To take a lease of any building for any term not exceeding three years, for the purpose of providing office accommodation for the Board, or any person assisting in carrying out the provisions of this Act:
- VII. To promote or assist in the establishment of any organisation of farmers, graziers, or other persons having for its object, or one of its objects, the taking of concerted action by the persons constituting such organisation, with a view to disposing to the best advantage, by sale or export, of lambs produced by such lastmentioned persons.

Maximum and minimum advances for the purchase of sheep.

11. No advance shall be made under this Act for the purchase of sheep, of any sum less than Twenty Pounds, nor more than Two hundred Pounds, nor shall the total amount of such advances to any one person, outstanding and unpaid, at any time exceed Two hundred Pounds.

Stock mortgage to be executed by borrower.

12. Before any advance is made under this Act for the purchase of sheep the borrower shall sign and execute in favour of the Trustees a stock mortgage over such sheep in the form set out in the schedule to this Act, for the purpose of securing the repayment of the advance and interest.

Sheep comprised in stock mortgage to be marked for identification.

13. Before any advance is made under this Act for the purchase of sheep, the borrower shall cause all sheep comprised in the stock mortgage to be executed by him in respect of such advance to be marked for the purposes of identification in the prescribed manner.

Repayment of advances.

14. Every advance made under this Act for the purchase of sheep shall be repaid to the Trustees, together with interest thereon at a rate to be determined by the Trustees (being not higher than the current bank rate at the time of such advance), by such instalments of principal and interest combined, extending over a period of two years, and payable at such

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respective dates, as the Trustees shall determine at the time of the advance. A.D. 1925.

15 No advance shall be made upon or in respect of any sheep purchased by the borrower which shall exceed in amount Seventy-five Pounds per centum of the value thereof. Such value for the purposes of this section shall be deemed to be the purchase price thereof. Amount of advances.

16 Any person to whom an advance has been made under this Act for the purchase of sheep, may at any time pay off the whole or any portion of the instalments owing in respect of such advance, notwithstanding that such instalments have not become due at the time of such payment, and any person making any such prepayment of instalments as aforesaid shall be entitled to discount at the current bank rate on the amount of the instalments so prepaid by him. Borrower may pay off instalments at any time.

17 No stock mortgage given or executed in favour of the Trustees to secure an advance under this Act, or any release or discharge of such mortgage, shall be liable to stamp duty, or filing, or registration fees, any enactment to the contrary notwithstanding. Exemption of stock mortgages from stamp duty.

18 Every advance made under this Act against the proceeds of the sale of any lambs shall bear interest from the date of such advance, and from day to day until payment thereof, at the current bank rate. Interest payable on advances against proceeds of sale of lambs.

19 No advance shall be made to any person under this Act against the proceeds of the sale of any lambs which shall exceed in amount the sum of Fifteen Shillings, for each lamb in respect of which the advance is made. Limit of advances.

20 Before any advance is made under this Act against the proceeds of the sale of any lambs, the borrower shall give to the Trustees such security as the Trustees shall approve, for the payment to them by the purchaser, or the person into whose hands such proceeds are to be paid, of the amount of such advance and all interest to accrue in respect thereof. Security for advances.

21 —(1) Every application for an advance under this Act shall in the first place be made to the Board, and shall be in the prescribed form. Applications for advances.

(2) The Board shall consider every application as soon as practicable after its receipt, and, if it approves the same, the Board shall forthwith forward the application to the Trustees with a recommendation that it be granted.

(3) The Trustees may grant any application recommended by the Board.

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Funds out of which advances and other moneys to be paid.

22 All advances made under the provisions of this Act, all moneys payable by the Trustees or any other person under or for the purposes of this Act, and all expenses incurred in connection with the carrying out and administration of this Act, shall be paid out of the funds referred to in Subsection (2) of Section Three of this Act.

Interest to be paid into Consolidated Revenue.

All other moneys received to be paid to credit of Suspense Account.

Governor may appoint Secretary to Board.

23—(1) All moneys received by the Trustees on account of interest in respect of any advance under this Act shall be paid into the Consolidated Revenue.

(2) All other moneys received by the Trustees under this Act on any other account shall be paid by them to the Treasurer to the credit of the Suspense Account.

24 The Governor may appoint some person to be the Secretary of the Board, and the person appointed shall—

- I. In addition to his duties and functions as such Secretary as aforesaid, perform such duties and functions under this Act as shall be assigned to him by the Trustees:
- II. For the purposes of such lastmentioned duties and functions be deemed to be an officer of the Bank:
- III. Be paid such remuneration for his services as the Governor shall determine; and such remuneration shall be deemed to form part of the expenses referred to in Section Twenty-two:
- IV. Be exempt from the provisions of the Public Service Act, 1923.

13 Geo.V. No. 25.

Bills of Sale Act not to apply to stock mortgages given under this Act.

64 Vic. No. 70.

25 Nothing contained in the Bills of Sale Act, 1900, shall apply to or in respect of any stock mortgage made or given under this Act, and which is registered by filing in the office of the Registrar a true copy thereof within twenty-one days after the date thereof, verified by the Manager or some other officer of the Bank.

Discharge of stock mortgage.

26 When the whole of the moneys payable under any stock mortgage have been fully paid and satisfied, the Trustees shall cause a memorandum of discharge in the prescribed form to be endorsed on such mortgage, and sealed with their common seal, and shall also cause to be delivered to the mortgagor a certificate of such discharge in the prescribed form, sealed as aforesaid, and a copy of such certificate to be filed in the office of the Registrar.

Register of stock mortgages.

27—(1) The Registrar shall keep a separate register of the names, in alphabetical order, of all persons by whom stock mortgages shall have been made and which have been registered

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in his office, and he shall cause a memorandum of the discharge of any stock mortgage with respect to which a certificate of discharge has been filed in his office, to be entered in the register against the name of the person by whom such stock mortgage was given or made.

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(2) Any person shall be entitled to search the register of stock mortgages, and to inspect and take particulars of any stock mortgage filed in the office of the Registrar, upon payment to the Registrar of the following fees, namely:—For any search and inspection in respect of one person, One Shilling; and for every general search and inspection, Five Shillings.

(3) Any person shall be entitled to have an office copy of any stock mortgage filed in the office of the Registrar upon payment to the Registrar for the same of the sum of Five Shillings.

28—(1) It shall not be lawful for any person to distrain for rent any sheep comprised in any stock mortgage made or given, and in force, under this Act, unless such person shall have previously paid to the Trustees all moneys owing at the time of such distraint in respect of such stock mortgage.

Sheep comprised in stock mortgage not to be distrained except under certain conditions.

(2) The amount of any moneys paid by any person under Subsection (1) of this section may be added to the rent owing to such person, and recovered by distress in the same way as if it had formed part of such rent.

29 A stock mortgage in the form set out in the schedule to this Act shall have effect as a deed under seal, and shall operate as an assignment to the Trustees, by way of security for the principal and interest moneys therein mentioned, of the sheep in respect of which the same is made or given, and of the progeny of such sheep and the wool of the clips to be shorn from such sheep and progeny; and there shall be implied in every such stock mortgage the following covenants, provisos, agreements, and powers, or such of them as are applicable, and such implied covenants, provisos, agreements, and powers shall have the same effect as if the same had been respectively set forth in such stock mortgage at length, namely:—

Form and effect of stock mortgage.

- I. That the mortgagor will pay to the Trustees the instalments of principal and interest combined which are set out in the First Schedule hereunder written, at the respective dates mentioned in such schedule, and without any deduction whatsoever:
- II. That the mortgagor will pay to the Trustees interest at the current bank rate on any instalment or part thereof due and unpaid under this security, until full payment thereof:
- III. That the mortgagor will, at any time while any moneys shall remain owing under this security,

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- keep, and properly tend and care for, the sheep, particulars of which are set out in the Second Schedule hereunder written, and their progeny:
- IV. That the mortgagor will not, at any time while any moneys shall remain owing on this security, do or allow any act or deed whereby the said sheep, progeny, or wool hereby assigned shall or may become prejudicially affected, and will at all times while any moneys remain owing as aforesaid duly pay all rent, rates, taxes, and other charges and outgoings from time to time coming due or payable in respect of any lands on which any of the said sheep, progeny, or wool may for the time being be or be situated, and will, if required by the Trustees so to do, from time to time produce to the Trustees the receipt for every such payment, or furnish them with reasonable proof that such payments have been made:
 - V. That until the mortgagor shall make default in payment of any of the moneys hereby secured, or in the observance or performance of any covenant, condition, or agreement herein expressed or implied, and on his part to be observed or performed, it shall be lawful for the mortgagor to retain possession of the said sheep, progeny, and wool:
 - VI. That the mortgagor will not, while in possession as aforesaid, remove or suffer to be removed any of the said sheep, progeny, or wool from the place where they now are, without the consent of the Trustees in writing first had and obtained:
 - VII. That the Trustees, or their agents or servants, shall be at liberty at all reasonable times to enter upon any premises occupied by the mortgagor, for the purpose of inspecting the said sheep, progeny, or wool and the state and condition thereof, and for taking an inventory of the same, and for all reasonable purposes connected with this security:
 - VIII. That in case the mortgagor shall make default in payment of any of the moneys secured hereby, as and when the same shall respectively become due and payable, or in the performance or observance of any of the covenants or agreements herein contained, or shall become or be made bankrupt, or enter in liquidation for the benefit of, or compound with, his creditors, the whole of the instalments hereby secured shall become immediately payable without the necessity for any demand of payment being made:

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- IX. That it shall be lawful for the Trustees, on the happening of any of the events mentioned in the immediately preceding paragraph of this mortgage, or their servants or agents, to seize and take possession of all the sheep, progeny, and wool comprised in this security, or of any portion of such sheep, progeny, and wool, and either to remove the same or to remain in possession thereof without removing the same, and also to relinquish possession of the same, and again to retake and retain possession thereof without invalidating this security, and for the purposes aforesaid, or any of them, to have full liberty of ingress, egress, and regress to and from the premises in or upon which the said sheep, progeny, and wool, or any of them, are or may be, and at all proper times to shear the said sheep and progeny, and obtain and take possession of the clip thereof, and also to sell the said sheep, progeny, wool, or any of them, or any part thereof, in such parcel or parcels, and either by public auction or private contract, and at such price or prices, and subject to such terms and conditions in all respects, as the Trustees shall think fit, with liberty for the Trustees to buy in the said sheep, progeny, or wool, or any of them, or any part thereof, at any sale by auction, and to rescind or vary any contract for sale, and to sell the same without being answerable for any loss or expense or diminution in price, and the Trustees shall stand possessed of the proceeds of any such sale upon trust after paying thereout the costs, charges, and expenses of and incidental to such taking possession and sale, and otherwise incurred in relation to this security, to apply the same in payment or reduction of the moneys then owing on the security of this mortgage, including all moneys herein covenanted to be paid, notwithstanding that the same may not then have become due, and to pay the balance of such proceeds (if any) to the mortgagor. A.D. 1925.
- x. That notwithstanding anything in this mortgage to the contrary, it shall be lawful for the mortgagor, with the consent in writing of the Trustees, to sell any of the progeny of the said sheep, or the wool clip from such sheep or progeny, upon giving to the Trustees security to their satisfaction for the payment to them, out of the proceeds of such sale, of any instalments or other moneys in arrear and unpaid under or in respect of this security.

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 Accounts to be audited and laid before Parliament.
 Powers of Auditor-General.
 9 Geo. V. No. 3.
 Regulations.

30—(1) The accounts of the Trustees of their transactions under this Act shall be audited by the Auditor-General, and shall be annually laid before Parliament.

(2) The Auditor-General shall have in respect of such accounts the like powers as are conferred on him by the Audit Act, 1918, with reference to the audit of the public accounts.

31 The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, or to any security given or made in pursuance thereof.

SCHEDULE.

STOCK MORTGAGE.

Section 12.

“The Lamb Raising Industry Encouragement Act, 1925.”

IN consideration of the sum of _____ pounds advanced and paid to _____, of _____, in Tasmania, (hereinafter called “the mortgagor”) by the Trustees of the Agricultural Bank of Tasmania (hereinafter called “the Trustees”), the mortgagor doth hereby agree with the Trustees to pay to them the abovementioned sum, together with interest thereon at the current bank rate, by instalments of principal and interest combined of the amounts, and at the respective dates, set out in the First Schedule hereunder written : And the mortgagor, for the purpose of securing payment of the said instalments, doth hereby mortgage to the Trustees all those the sheep, particulars of which are set out in the Second Schedule hereunder written, together with all the progeny thereof, and the wool of the clips to be shorn from such sheep and progeny : And the mortgagor doth hereby agree with the Trustees to carry out and observe all the provisions of the abovementioned Act and the regulations made thereunder, so far as such provisions and regulations apply in respect of the security hereby given.

FIRST SCHEDULE.

Due Date of Instalment.	Amount.

SECOND SCHEDULE.

Description of Sheep.	Number.	Identification Marks.

Dated this _____ day of _____ 19 _____.

Witness—

JOHN VAIL,
 GOVERNMENT PRINTER, TASMANIA.