

TASMANIAN DEVELOPMENT ACT 1983

No. 84 of 1983

TABLE OF PROVISIONS

PART I

PRELIMINARY

1. Short title.
2. Commencement.
3. Interpretation.

PART II

THE TASMANIAN DEVELOPMENT AUTHORITY

Division 1—Establishment and composition of the Authority, &c.

4. Establishment of Tasmanian Development Authority.
5. Board of Directors of Authority.
6. Appointment and duties of managing director.

Division 2—Functions, powers, &c., of the Authority

7. Policies of Authority.
8. Functions of Authority.
9. General powers of Authority.
10. Disbursement of Commonwealth money.
11. Duty to comply with statement of policy objectives.
12. Acquisition of land for business undertakings.
13. Development of land acquired.
14. Disposal of land purchased for new industries.
15. Power of Authority to engage consultants, &c.

Division 3—Officers, &c., of the Authority

16. Officers of the Authority.
17. Secondment of public servants, &c.
18. Exchange of officers with the private sector.
19. Delegation of functions, &c., by Authority.
20. Register of delegations.

Division 4—Finances of the Authority

21. Trust accounts, funds, &c., of Authority.
22. Capital expenditure of Authority.
23. Recurrent expenditure of Authority and payment of certain income to Consolidated Revenue.
24. Authority's power to borrow.
25. Guarantees of loans by State.
26. State loans to Authority.
27. Temporary investment of Authority's funds.
28. Contributions to State Sinking Fund.
29. Duty to keep accounts and prepare financial statements.
30. Audit of Authority's accounts.

Division 5—Advisory committees of the Authority

31. Power of Authority to establish advisory committees.

Division 6—Appointment and powers of administrator

32. Appointment and powers of administrator.
33. Expenses of administration.
34. Liability for losses incurred during administration.

PART III

STATE ASSISTANCE TO BUSINESS UNDERTAKINGS

35. Power of Minister to grant loans.
36. Power of Treasurer to give guarantees.
37. Powers of Governor as to loans, grants, and guarantees.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

38. Power of Minister to convene and attend meetings.
39. Duty of Authority to report to Minister on operation of certain laws, &c.
40. Indemnity for directors and officers.
41. Annual report.
42. Disclosure of interests in contracts, grants, &c.
43. Loans to directors, &c.
44. Register of directors' share holdings, &c.

45. Requirement for secrecy.
46. Time for bringing proceedings.
47. Exemptions from stamp duty, &c.
48. Regulations.
49. Dissolution of Agricultural Bank and certain Boards, repeals, &c.

SCHEDULE 1

PROVISIONS WITH RESPECT TO DIRECTORS

SCHEDULE 2

PROVISIONS WITH RESPECT TO MEETINGS OF THE BOARD

SCHEDULE 3

PART I

PROVISIONS WITH RESPECT TO TRANSFER OF OFFICERS AND TEMPORARY EMPLOYEES FROM PUBLIC SERVICE

PART II

PROVISIONS WITH RESPECT TO APPOINTMENT AND TERMS AND CONDITIONS OF EMPLOYMENT OF OFFICERS OF THE AUTHORITY

SCHEDULE 4

TRANSITIONAL AND SAVINGS PROVISIONS

SCHEDULE 5

ACTS REPEALED



TASMANIAN DEVELOPMENT ACT 1983

—
 No. 84 of 1983
 —

AN ACT to provide for the balanced economic development of Tasmania and for the establishment and operation of an authority for that purpose, to provide for related matters, and to repeal certain enactments.

[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:—

PART I PRELIMINARY

1—This Act may be cited as the *Tasmanian Development Act 1983*. Short title.

2—(1) This section, sections 1, 3, and 16 (3), and Part I of Schedule 3 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on a date to be fixed by proclamation.

Interpretation.

3—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

- “ associate director ” means a person appointed as an associate director under section 5;
- “ the Authority ” means the Tasmanian Development Authority established under section 4;
- “ authorized officer ” means an officer of the Authority to whom any of its functions or powers is delegated under section 19 (1);
- “ the Board ” means the Board of Directors of the Authority;
- “ business undertaking ” includes the provision of services;
- “ the Chairman ” means the Chairman of the Board appointed under section 5 (3);
- “ the commencement day ” means the day fixed under section 2 (2);
- “ director ” means a person appointed as a director under section 5 and includes an associate director;
- “ financial year ” means a period of 12 months ending on 30th June in any year;
- “ functions ” includes duties;
- “ officer of the Authority ” means a person appointed and holding office under section 16;
- “ officer of the Public Service ” means a person employed in any capacity in any branch of the Public Service of Tasmania but does not include a person temporarily so employed;
- “ the Primary Industry Bank ” means the company referred to in section 4 (1) of the *Primary Industry Bank Act 1977* of the Commonwealth;
- “ repealed Act ” means an Act specified in Schedule 5 or a corresponding former enactment.

PART II

THE TASMANIAN DEVELOPMENT AUTHORITY

Division 1—Establishment and composition of the Authority, &c.

4—(1) There is established by this Act a body corporate with the corporate name of the Tasmanian Development Authority.

(2) The Authority—

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may do, and be subject to, all other things that a body corporate may by law do and be subject to and that may be necessary for, or incidental to, the purposes of this Act; and
- (e) has the functions imposed, and the powers conferred, on it by, or under, this or any other Act.

(3) The common seal of the Authority shall not be affixed to a document except in pursuance of a resolution of the Authority and every sealing shall be authenticated by the signature of—

- (a) 2 directors; or
- (b) a director and an officer of the Authority who is an authorized officer for the purpose of that sealing.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

5—(1) The affairs and activities of the Authority shall be conducted by a Board of Directors. Board of
Directors of
Authority.

(2) The Board shall consist of not more than 6 directors and, if the Governor thinks it desirable to appoint an additional person as an associate director, that associate director.

(3) Each of the directors shall be appointed by the Governor on the nomination of the Minister and, by an instrument of appointment under this section—

- (a) one of the directors shall be appointed as Chairman of the Board; and
- (b) another of the directors shall be appointed as managing director.

(4) Schedule 1 has effect with respect to the directors.

(5) Schedule 2 has effect with respect to the meetings of the Board.

Appointment
and duties of
managing
director.

6—(1) The managing director shall, subject to Schedule 1, be appointed on such terms and conditions as are specified in the instrument of his appointment.

(2) The managing director is the principal executive officer of the Authority and is responsible to the Board for the conduct of the affairs and activities of the Authority in accordance with—

- (a) any directions given to him by the Board; and
- (b) in a case where he is a delegate of the Authority under section 19 (1), any condition or limitation that is applicable to him by virtue of that section.

(3) The managing director shall, on request by the Board, provide the Board with such information as it may require relating to the affairs and activities of the Authority.

Division 2—Functions, powers, &c., of the Authority

Policies of
Authority.

7—It is the duty of the Authority, within the limits of its powers, to encourage and promote the balanced economic development of Tasmania, and to ensure that its policies are directed to the greatest advantage of the people of Tasmania and that its powers under this Act or any other Act are exercised in such a manner as, in its opinion, will best contribute to—

- (a) the stability of business undertakings in Tasmania;
- (b) the maintenance of maximum employment in Tasmania;
and
- (c) the prosperity and welfare of the people of Tasmania.

Functions of
Authority.

8—The Authority has, in addition to the functions conferred on it under any other Act, the following functions:—

- (a) to develop and carry out measures to encourage, monitor and promote employment in the private sector in Tasmania;
- (b) to develop and carry out measures to promote investment in Tasmania;
- (c) to promote co-operation between the public and private sectors for the purpose of any such measures;
- (d) to support and expand existing business undertakings and business opportunities in Tasmania;
- (e) to conduct research for the purpose of the development or establishment in Tasmania of business undertakings;

(f) if so requested by the Treasurer, to disburse on behalf of the Crown—

- (i) any money payable as relief following an occurrence causing loss of life or property or injury to persons or property or distress to persons; or
- (ii) any money payable to the Crown as mentioned in section 10.

9—(1) For the purposes of this Act, the Authority has, in addition to the powers conferred on it under any other Act but subject to any duty arising under section 11 (1) on the Minister giving it a statement of policy objectives, the powers specified in this section. General powers of Authority.

(2) The Authority may—

- (a) acquire, develop, and dispose of land as provided by sections 12, 13, and 14;
- (b) subject to subsections (3) and (4), make a loan of money to any person on such terms and conditions as the Authority thinks fit so long as the principal amount of the loan, or, in the case of 2 or more loans to that person, the aggregate of the principal amount of those loans, does not exceed \$350 000;
- (c) subject to subsection (5), make a grant of money for such purpose and on such terms and conditions as the Minister may approve to any person in order to—
 - (i) assist in the development, expansion, or retention of a business undertaking in Tasmania; or
 - (ii) conduct research or experiments for the purpose of the establishment or development of a business undertaking in Tasmania;
- (d) if it considers it to be of special significance to the development of the Tasmanian economy, acquire, with the approval of the Minister, an interest in a business undertaking at a cost not exceeding \$350 000;
- (e) recommend to the Minister that he grant a loan of money as provided by section 35;

- (f) recommend to the Treasurer that he guarantee in accordance with section 36 the repayment of any money lent or agreed to be lent or the performance of any obligation referred to in subsection (1) (b) of that section;
- (g) make arrangements for the purpose of facilitating the establishment of co-operative organizations of persons engaged in any business undertaking;
- (h) represent, or appoint a person to represent, the Authority on the governing body of any organization of persons engaged in any business undertaking that is a business undertaking to which assistance under this Act is granted or is proposed to be granted;
- (i) provide advice and technical assistance to any person in connection with a business undertaking;
- (j) may act as agent for any person in connection with a business undertaking that is, or is proposed to be, carried on in Tasmania or elsewhere;
- (k) may make a charge for any of its services provided under this Act; and
- (l) may do any other act, matter, or thing as may be necessary or expedient for the performance of its functions under this Act.

(3) A loan of money shall not be made to a person under subsection (2) (b) if the effect of making the loan would be that the total of the amounts borrowed by that person at that time exceeds 80 per cent of the value of the total available security.

(4) Notwithstanding subsection (3), the Authority may, in any case where it is satisfied that there are special reasons for doing so—

- (a) make a loan to a person with or without security and with or without interest so long as the principal amount of the loan or, in the case of 2 or more loans under this subsection, the aggregate of those loans does not exceed \$25 000; and
 - (b) may, with the approval of the Minister, discharge any person from any liability not exceeding \$10 000 arising from any loan to that person under this section.
- (5) For the purpose of subsection (2) (c)—
- (a) where the amount of the grant is not more than \$25 000, the grant shall be for such purpose and on such terms and conditions as the Minister may approve; and

- (b) where the amount of the grant is more than \$25 000, the grant shall be for such purpose and on such terms and conditions as the Treasurer and the Minister may approve.

(6) The Governor may, by order, amend a provision of this section by omitting a reference to an amount specified in that provision and substituting a reference to some other amount specified in the order.

10—Where any money is payable to the Crown pursuant to an agreement between the Commonwealth and the State, the Governor may, by order, authorize the Authority to disburse, in accordance with the agreement and any directions specified in the order, any money paid to the Crown pursuant to that agreement. Disbursement of Commonwealth money.

11—(1) The Minister may, from time to time, give to the Authority a statement in writing specifying the policy objectives of the Government of Tasmania with respect to any matter relating to the powers, duties, affairs, or activities of the Authority and, on being given such a statement, it is the duty of the Authority to exercise its powers, to perform its duties, and to conduct its affairs and activities in a manner that is consistent with the objectives specified in the statement. Duty to comply with statement of policy objectives.

(2) The Minister may, by notice in writing given to the Authority, vary or revoke a statement of policy objectives given under subsection (1) and such a notice shall have effect according to its tenor.

(3) The fact that the Minister has power to give a statement of policy objectives to the Authority under subsection (1) or gives such a statement to the Authority does not have the effect of—

- (a) making the Authority the servant or agent of the Crown for the purposes of this or any other Act; or
- (b) conferring on the Authority any status, privilege, or immunity of the Crown.

12—(1) The Authority may, with the approval of the Minister, acquire land for the purpose of a business undertaking or for the purpose of establishing, developing, or expanding business undertakings generally. Acquisition of land for business undertakings.

(2) Any land acquired under this section may be subsequently leased or sold in accordance with section 14.

Development of
land acquired.

13—The Authority may, with the approval of the Minister, carry out, or arrange for the carrying out of, the development of any land acquired under section 12 in such manner as it may determine.

Disposal of
land purchased
for new
industries.

14—(1) The Authority may, with the approval of the Minister, dispose of any land acquired under section 12 to a person who has an interest in a business undertaking—

(a) by granting a lease of the land for such term as the Authority thinks fit, and containing such terms and conditions as it thinks fit; or

(b) by selling the land on such terms and conditions as it thinks fit.

(2) Any land that is leased to a person in accordance with subsection (1) (a) may be sold subsequently to that person or his assigns in accordance with subsection (1) (b).

Power of
Authority to
engage
consultants, &c.

15—The Authority may, for the purposes of performing its functions or exercising its powers under this Act—

(a) engage such consultants and other independent contractors as it deems fit; and

(b) obtain assistance, information, and advice from any person.

Division 3—Officers, &c., of the Authority

Officers of
the Authority.

16—(1) The Authority may appoint an executive officer and other persons as officers of the Authority for the purpose of enabling the functions of the Authority to be carried out properly and may, subject to Part II of Schedule 3, suspend or dismiss from office any person so appointed.

(2) A person who is a member of a House of Parliament of the Commonwealth, or of a State or Territory of the Commonwealth, or a candidate for election as a member of any such House of Parliament, is disqualified from being appointed as an officer of the Authority, and a person holding office as such an officer ceases to hold that office on becoming a candidate for such an election.

(3) Part I of Schedule 3 has effect with respect to the transfer to the employment of the Authority of officers of the Public Service and persons employed in a temporary capacity in a department of the Public Service.

(4) Part II of Schedule 3 has effect with respect to—

- (a) the appointment and terms and conditions of employment of officers appointed under subsection (1); and
- (b) any such officer who is a candidate for election as mentioned in subsection (2).

(5) Subject to Part II of Schedule 3, the terms and conditions of employment (including remuneration, allowances, and entitlements) of the officers of the Authority shall be such as are determined by the Authority from time to time.

17—(1) The Authority may make use of the services of any officer of the Public Service or a State authority with the consent of the officer and with the approval of—

Secondment
of public
servants, &c.

- (a) where the person is an officer employed in a department of the Public Service—
 - (i) the head of the department; and
 - (ii) the Public Service Board; or
- (b) where the person is an officer employed by a State authority, that Authority.

(2) Notwithstanding subsection (1), where a person's services are obtained under that subsection, that person is entitled to receive—

- (a) by way of fees or remuneration such sums (if any) as—
 - (i) the Public Service Board may approve, in the case of an officer of the Public Service; or
 - (ii) the relevant State authority may approve, in the case of an officer employed by that State authority; and
- (b) in payment of his travelling and other expenses—
 - (i) the same amounts as are payable in respect of expenses of that kind under an award prescribing those expenses that is applicable to him; or
 - (ii) where there is no such award in the case of a person who is an officer employed by a State authority, as that State authority may approve.

Exchange of
officers with
the private
sector.

18—The Authority may make arrangements with a person or company—

- (a) for the services of employees of that person or officers or employees of that company to be made available to the Authority; or
- (b) for the services of officers of the Authority, with the consent of those officers, to be made available to that person or company.

Delegation of
functions, &c.,
by Authority.

19—(1) The Authority may, with the approval of the Minister, and by instrument in writing, delegate to the managing director or an officer of the Authority the performance or exercise of such of its functions and powers (other than this power of delegation) under this or any other Act as are specified in the instrument, and may, by a further instrument in writing, revoke wholly or in part any such delegation.

(2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Authority may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or thing done by or to the managing director or an officer of the Authority while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by, or to, the Authority and shall be deemed to have been done by, or to, the Authority.

(6) An instrument purporting to be executed by the managing director or an officer of the Authority in his capacity as a delegate of the Authority shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority and, until the contrary is proved, shall be deemed to be an instrument executed by the managing director or officer under this section.

(7) Where the performance of a function or the exercise of a power by the Authority is dependant on the opinion or belief of the Authority, a delegate of the Authority under this section may, in performing that function or exercising that power, act on his own opinion or belief.

20—(1) The Authority shall keep a register showing, with respect to the managing director and each authorized officer, particulars of any delegation made under section 19 (1). Register of delegations.

(2) A register kept by the Authority pursuant to subsection (1) shall be open for inspection by any member of the public without charge.

Division 4—Finances of the Authority

21—(1) The Authority shall establish in the Treasury such trust accounts as may be required from time to time by the Authority and as the Governor may, on the recommendation of the Treasurer, approve. Trust accounts, funds, &c., of Authority.

(2) The Authority may establish such bank accounts, and for such purposes, as the Treasurer may approve.

(3) The funds of the Authority shall be paid to the credit of the trust accounts and bank accounts referred to in this section and shall consist of—

- (a) any money appropriated by Parliament for the purposes of the Authority;
- (b) all money borrowed by the Authority under this Act;
- (c) any moneys that immediately before the commencement day was in such trust accounts established in the Treasury as the Minister, with the consent of the Treasurer, may approve for the purposes of this paragraph;
- (d) any money appropriated by Parliament for a purpose arising from, or incidental to, a repealed Act or an Act that, after the commencement day, is administered by the Authority, if that money was not applied for that purpose before that day; and
- (e) all other money received from any source by the Authority.

Capital
expenditure of
Authority.

22—(1) The Authority shall meet any capital expenditure from—

- (a) money appropriated by Parliament from the Loan Fund for the purpose;
- (b) money borrowed by the Authority under section 24; or
- (c) money received by the Authority pursuant to an order under section 10.

(2) For the purposes of subsection (1), a loan of money made by the Authority under section 9 (2) (b) shall be treated as capital expenditure.

(3) Where the Authority receives an amount by way of repayment of a loan that it has made from money appropriated from the Loan Fund, the Authority shall repay that amount to the Loan Fund in accordance with any directions given by the Treasurer.

Recurrent
expenditure of
Authority
and payment
of certain
income to
Consolidated
Revenue.

23—(1) The Authority shall pay, from money appropriated by Parliament from the Consolidated Revenue Fund for the purpose—

- (a) the administration and operating expenses of the Authority;
- (b) any grant of money made under section 9 (2) (c);
- (c) on and after 1st July 1984, any interest required to be paid in respect of a loan to the Authority under section 24 or 26;
- (d) any grant of money made, or subsidy paid, under any other Act; and
- (e) any other cost of a recurrent nature incurred by the Authority.

(2) Where the Authority derives any income from any money appropriated for its use by Parliament or borrowed under section 24, the Authority shall, unless the Treasurer otherwise directs, pay the amount of that income to the Consolidated Revenue Fund.

Authority's
power to
borrow.

24—(1) For the purposes of this Act but subject to this section, the Authority may borrow money, with the consent of the Treasurer—

- (a) on bank overdraft; or
- (b) on the security of debentures or inscribed stock in accordance with the regulations or in such other manner as the Treasurer may approve.

(2) Without limiting its powers under subsection (1), the Authority may, for the purposes of this Act, borrow money with the consent of the Treasurer from the Primary Industry Bank subject to such terms or conditions as may be agreed in writing between the Authority and that Bank, including terms or conditions requiring the Authority to make to that Bank loans or deposits of such amounts as may be determined by reference to the agreement.

(3) All debentures and inscribed stock issued pursuant to subsection (1)—

- (a) shall, with all interest payable in respect of those debentures and inscribed stock, be charged and secured on the funds of the Authority; and
- (b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Authority may, with the approval of the Treasurer, determine.

25—(1) The due repayment of money borrowed by the Authority under section 24 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. Guaranteees
of loans by
State.

(2) Where the Authority has borrowed money pursuant to an agreement made under section 24 (2) and the agreement specifies any terms or conditions subject to which the repayment of that money and interest payable in respect of that money are guaranteed under subsection (1) of this section, the due repayment of that money and the payment of that interest are so guaranteed subject to those terms or conditions.

(3) Where the Authority has made an agreement under section 24 (2) and under the agreement the Authority is required to make a loan or deposit to the Primary Industry Bank, the Treasurer may execute on behalf of the State a guarantee guaranteeing the payment to that Bank of that loan or deposit.

(4) The execution by the Treasurer of a guarantee expressed to be entered into pursuant to subsection (3) is conclusive evidence in favour of the Primary Industry Bank that the guarantee has been lawfully executed pursuant to that subsection.

(5) Any liability of the State arising under subsection (1) or (2), or under any guarantee executed pursuant to subsection (3), 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.

State loans
to Authority.

26—Where the performance of any of its functions or the exercise of any of its powers under this or any other Act involves capital expenditure, the Treasurer may make a loan of money from the Loan Fund to the Authority for the purpose of performing that function or exercising that power and any such loan by the Treasurer shall be on such terms as to repayment, payment of interest, and otherwise, as the Treasurer may determine.

Temporary
investment of
Authority's
funds.

27—The Authority may invest any money that it is holding and for which it has no immediate use in any of the ways authorized by the *Trustee Act 1898* for the investment of trust funds.

Contributions to
State Sinking
Fund.

28—(1) The Authority shall contribute to the State Sinking Fund Commissioners such amounts as the Treasurer may determine from time to time.

(2) Where it is necessary to repay the whole or part of a loan referred to in section 24 from the State Sinking Fund—

(a) the Commissioners shall, at the request of the Authority, sell any securities in which the amount required is invested; and

(b) the Authority may borrow on the security of its rights against the Commissioners.

Duty to
keep accounts
and prepare
financial
statements.

29—The Authority shall cause to be kept proper accounts and records in relation to all of its transactions under this or any other Act and shall, as soon as practicable after 1st July and not later than 31st October in each year, prepare financial statements exhibiting a true and correct record of its financial position and transactions with respect to the preceding financial year.

Audit of
Authority's
accounts.

30—The Accounts of the Authority kept for the purposes of this Act or any other Act are subject to the *Audit Act 1918*.

Division 5—Advisory committees of the Authority

31—(1) The Authority may establish advisory committees under such names as it may specify, for the purpose of advising or assisting it with respect to any matter relating to the performance of its functions or the exercise of its powers under this or any other Act.

Power of Authority to establish advisory committees.

(2) An advisory committee established under subsection (1) shall comprise such number of persons, holding such qualifications (if any), as the Authority may determine.

(3) Each member of an advisory committee, other than a person to whom the *Public Service Act 1973* applies, is entitled to receive such remuneration and allowances as may be determined by the Authority.

(4) The holding of office as a member of an advisory committee shall be deemed not to be the holding of an office of profit or emolument within the meaning of section 32 of the *Constitution Act 1934*.

(5) Meetings of an advisory committee shall be held in accordance with such directions as may be given by the Authority.

(6) An advisory committee may obtain assistance, information, and advice from any person.

(7) Except as provided by this section, an advisory committee may regulate its own procedure.

Division 6—Appointment and powers of administrator

32—(1) The Governor may, by order, appoint an administrator to administer the affairs and activities of the Authority if the Minister certifies in writing that—

Appointment and powers of administrator.

(a) the Authority has failed to perform a duty arising from a statement of policy objectives given to it under section 11 (1); or

(b) it is in the public interest for an administrator to be appointed to wind up the affairs and activities of the Authority.

(2) An officer of the Public Service may, with the approval of the Public Service Board, hold office as administrator of the Authority in conjunction with his office in the Public Service.

(3) On the appointment of an administrator under subsection (1), the Minister shall serve on the Authority a copy of the instrument of the appointment and on the service of the copy of that instrument—

- (a) the functions of the Authority shall be performed, and the powers of the Authority may be exercised, by the administrator in the name and on behalf of the Authority until his office is vacated under this section;
- (b) the directors shall cease to hold office;
- (c) the administrator shall assume, and be responsible for, the management of the Authority; and
- (d) any delegation made by the Authority under section 19 (1) shall cease to have effect.

(4) Subject to this section, an administrator appointed under this section—

- (a) shall, as soon as practicable after his appointment as such, take into his custody or under his control all the property and things in action to which the Authority is, or appears to be, entitled; and
- (b) shall, subject to and in accordance with any direction given to him by the Minister, perform the functions and exercise the powers of the Authority in such manner as the administrator thinks fit.

(5) An administrator of the Authority shall be deemed to have vacated his office—

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is convicted in Tasmania of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable;
- (d) if he resigns his office by writing under his hand addressed to the Governor; or

(e) if his appointment is revoked by the Governor under subsection (6).

(6) The Governor may revoke the appointment of an administrator appointed under this section.

(7) Where the office of administrator is deemed to have been vacated under subsection (5), the Governor may, by instrument in writing, appoint another person to fill the vacancy.

(8) An administrator appointed under this section shall be paid such remuneration, allowances, and expenses (if any) as the Governor may determine.

(9) Notwithstanding subsection (8), where an officer of the Public Service is appointed as administrator under this section, he is entitled to receive, by way of remuneration, allowances, and expenses, such amounts (if any) as the Governor, on the recommendation of the Public Service Board, may determine.

33—(1) The expenses of and incidental to the administration of the affairs and activities of the Authority by an administrator appointed under section 32 are payable by the Authority. Expenses of administration.

(2) The remuneration, allowances, and expenses of an administrator of the Authority who is not an officer of the Public Service is an expense referred to in subsection (1).

(3) Where an administrator of the Authority is an officer of the Public Service, the reimbursement to the Crown of an amount certified by the Public Service Board in respect of the remuneration, allowances, and expenses of that officer is an expense referred to in subsection (1).

34—An administrator of the Authority is not liable for any loss incurred by the Authority during his term of office unless the loss was attributable to— Liability for losses incurred during administration.

- (a) his wilful misconduct;
- (b) his gross negligence; or
- (c) his wilful failure to comply with any provision of this Act.

PART III

STATE ASSISTANCE TO BUSINESS UNDERTAKINGS

Loans by
Minister.

35—(1) Where, on an application for a loan under section 9 (2) (b), the Authority is of opinion that the grant of the loan would not be in accordance with the powers conferred by that section but that the grant of a loan would assist in the development, expansion, or retention of a business undertaking, the Authority may recommend to the Minister that he grant a loan of money under this section.

(2) On making a recommendation under subsection (1) the Authority shall refer the application for the loan to the Minister and shall provide the Minister with such additional information as it thinks fit.

(3) Where the Authority makes a recommendation under subsection (1) that a loan of money be granted to a person, the Minister may, with the approval of the Treasurer and for the purposes of this Act, make a loan of money to that person, with or without security and on such terms and conditions as the Minister thinks fit.

(4) For the purposes of this section—

- (a) the Authority shall provide the Minister with such information as he may request; and
- (b) the Minister may direct the Authority to carry out such investigations, and to make recommendations to him on such questions, as he may determine.

(5) The Authority shall comply with a direction given to it by the Minister under subsection (4) (b).

Power of
Treasurer
to give
guarantees.

36—(1) Where the Treasurer is of the opinion that it will assist the development, expansion, or retention of a business undertaking to do so, the Treasurer may, on behalf of the State but subject to this section, guarantee—

- (a) the repayment of money lent, or agreed to be lent, to a person; and
- (b) the performance by a person of any obligation arising from, or in any way incidental to, assistance provided or to be provided, whether under this Act or not, for the purpose of a business undertaking.

(2) The power of the Treasurer under subsection (1) to guarantee the repayment of money lent or agreed to be lent includes a power to guarantee the payment to the lender of interest and other charges payable by the borrower in respect of that money.

(3) A guarantee under subsection (1) shall, subject to subsection (4), be given only—

- (a) on the recommendation of the Authority and with the approval of the Minister;
- (b) on such terms and conditions as the Treasurer may determine; and
- (c) by instrument in writing.

(4) If the Treasurer is satisfied that urgent assistance is required for the retention of a business undertaking in Tasmania, the Treasurer may give a guarantee under subsection (1) without the recommendation of the Authority or the approval of the Minister.

(5) A guarantee under this section operates so as to guarantee—

- (a) the repayment of money lent, or agreed to be lent, to the borrower;
- (b) the payment of interest and other charges in respect of that money; and
- (c) any liability arising from a failure to perform an obligation mentioned in subsection (1) (b),

only to the extent that the aggregate of those amounts and any such liability does not exceed \$2 000 000.

(6) Before a guarantee is given under this section, the borrower shall, if the Treasurer so requires, give to the Treasurer such security as he may specify and shall execute such instruments as may be necessary for the purpose.

(7) A guarantee under this section—

- (a) may, subject to subsection (8), be given to a person notwithstanding that another such guarantee to that person has been given or is in force; and
- (b) on the recommendation of the Authority and with the consent of the person whose loan to the borrower is guaranteed, may be varied or revoked by the Treasurer.

(8) If 2 or more guarantees to a person are in force under this section, the second or any subsequent guarantee operates so as to guarantee—

- (a) the repayment of money lent, or agreed to be lent, to that person;
- (b) the payment of interest and other charges in respect of that money; and
- (c) any liability arising from a failure to perform an obligation mentioned in subsection (1) (b),

only so long as the aggregate amount of the liability incurred by the Treasurer under this section in respect of all those guarantees does not exceed \$2 000 000.

(9) The amount of any liability incurred under a guarantee given under this section shall be a charge on the Consolidated Revenue Fund and shall be payable out of that Fund without further appropriation than this section.

Powers of
Governor as to
loans, grants,
and guarantees.

37—(1) Where the Governor is satisfied, on the recommendation of the Treasurer and the Minister, that the development, expansion, or retention of a business undertaking by any person will be of special significance to the economic development of the State, the Governor may direct that a loan or grant of money or a guarantee shall be given to that person under this Part.

(2) Where a person provides, or undertakes to provide, or is engaged in the promotion and development of, tourism facilities or facilities for tourists in Tasmania, the powers conferred by subsection (1) may be exercised on the recommendation of the Treasurer and the Minister in charge of tourism.

(3) On a direction by the Governor under subsection (1)—

- (a) the Minister or, as the case may require, the Minister in charge of tourism shall make a grant or loan of money on such terms and conditions as the Governor may direct; or
- (b) the Treasurer shall, by instrument in writing, give a guarantee on such terms and conditions as the Governor may direct.

(4) The provisions of section 36 (2), (6), and (9) apply to, and in relation to, a guarantee given by the Treasurer under subsection (3) (b) and any such guarantee—

- (a) may be given to a person notwithstanding that another guarantee under this Part to that person has been given or is in force; and

(b) with the consent of the person whose loan to the borrower is guaranteed, may be varied or revoked by the Treasurer.

(5) A grant or loan of money under this section shall be paid out of money appropriated by Parliament for the purpose.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

38—(1) The Minister may cause to be convened a special meeting of the Board, and may—

Power of Minister to convene and attend meetings.

(a) attend special and ordinary meetings of, and confer with, the Board; and

(b) at any meeting at which he is present obtain any information which he may require upon any matter relating to the activities and affairs of the Authority or any advisory committee established under section 31.

(2) The Minister may report to the Governor, or to Parliament, any information arising from any meeting of the Board or obtained by him under subsection (1).

39—In the administration of this Act it is the duty of the Authority to advise and report to the Minister as it may think fit on the operation and administration of the law to persons, or any class of persons, engaged in any business undertaking in Tasmania and to make such recommendations as to the amendment of the law or changes in administrative procedures as it thinks necessary or desirable.

Duty of Authority to report to Minister on operation of certain laws, &c.

40—Except as provided in this Part, a director or officer of the Authority shall not incur any personal liability in respect of any act, matter, or thing done, or omitted to be done, in good faith in the execution or purported execution of the provisions of this Act.

Indemnity for directors and officers.

41—(1) The Authority shall, before 31st October in each year, prepare a report of its affairs and activities under this or any other Act for the preceding financial year and submit the report to the Minister.

Annual report.

(2) A report under subsection (1) shall include—

(a) the financial statements prepared under section 29 in respect of the financial year to which the report relates;

- (b) a summary by reference to categories of all loans and grants of money made by the Authority and all guarantees given by the Treasurer on the recommendation of the Authority; and
- (c) a copy of any statement of policy objectives given to the Authority by the Minister under section 11 (1) that was in force for the whole or any part of that financial year.

(3) The Minister shall lay, or cause to be laid, before each House of Parliament a copy of a report submitted to him in accordance with subsection (1) within 14 sitting days of the House after the date on which he receives that report.

Disclosure of
interests
in contracts,
grants, &c.

42—(1) Subject to this section, a director who is in any way whether directly or indirectly, interested in a contract, grant, or recommendation made, or proposed to be made, by the Authority under this or any other Act shall, as soon as practicable after the relevant facts have come to his knowledge, declare the nature of his interest at a meeting of the Board.

(2) Subject to this section, an authorized officer who is in any way, whether directly or indirectly, interested in a contract, grant, or recommendation made, or proposed to be made, by the Authority under this or any other Act shall, as soon as practicable after—

- (a) his appointment as an authorized officer; or
- (b) the relevant facts have come to his knowledge,

as the case may require, provide the executive officer of the Authority with a statement in writing giving full particulars of that interest and shall not perform any duties, or continue to perform any duties, in respect of the contract, grant, or guarantee.

(3) Subject to this section, an administrator who is in any way, whether directly or indirectly, interested in a contract, grant, or recommendation made by the Authority under this or any other Act or any such contract, grant, or recommendation proposed to be made by the administrator shall, as soon as practicable after—

- (a) his appointment as administrator; or
- (b) the relevant facts have come to his knowledge,

as the case may require, provide the Minister with a statement in writing giving full particulars of that interest.

(4) The requirements of this section do not apply in any case where the interest of a director, administrator, or authorized officer consists only of being a member or creditor of a company that is interested in a contract, grant, or recommendation referred to in this section if the interest of the director, administrator, or authorized officer may properly be regarded as not being a material interest.

(5) A disclosure by a director under subsection (1) shall be recorded in the minutes of the Board.

(6) A director who discloses an interest under this section shall not be present during any deliberation of the Board with respect to that matter.

(7) A director, authorized officer, or administrator who contravenes, or fails to comply with, subsection (1), (2), or (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 or imprisonment for a period not exceeding 3 months, or both.

43—The Authority shall not, whether directly or indirectly, Loans to directors, &c. make a loan to—

- (a) a director or a spouse of a director; or
- (b) a company, where a director or spouse of a director has, or both of them have, a direct or indirect beneficial interest in shares in the company, the nominal value of which is not less than 10 per cent of the nominal value of the issued share capital of the company.

44—(1) The Authority shall keep a register showing, with Register of directors' shareholdings, &c. respect to each director and authorized officer, particulars of—

- (a) shares in any company in which the director or authorized officer has any interest; and
 - (b) any other interest in a company that is held by the director or authorized officer,
- and the nature and extent of any such interest.

(2) A register kept by the Authority pursuant to subsection (1) shall be open for inspection by any member of the public without charge.

Requirement
for secrecy.

45—(1) A director, administrator, or officer of the Authority who, in the course of the administration of this Act, obtains any information as to a process, technique, practice, plan, invention, specification, prototype, or design shall maintain and aid in maintaining the secrecy of that information except for the purposes of the administration of this Act.

(2) A director, administrator, or officer of the Authority who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 or imprisonment for a period not exceeding 3 months, or both.

Time for
bringing
proceedings.

46—Notwithstanding section 26 of the *Justices Act* 1959, proceedings for an offence against this Act may commence at any time within a period of 2 years after the time when the offence is alleged to have been committed.

Exemptions
from stamp
duty, &c.

47—(1) In subsection (2), “prescribed industry” means an industry declared pursuant to subsection (3) to be an industry to which this section applies.

(2) Notwithstanding the *Stamp Duties Act* 1931, the *Land Titles Act* 1980, and the *Registration of Deeds Act* 1935, a document executed to secure a loan made under this Act for the purpose of a prescribed industry or to release any such loan is not liable to any stamp duty, filing fees, or registration fees.

(3) The Minister may, with the approval of the Treasurer and by order published in the *Gazette*, declare that an industry specified in the order shall be an industry to which this section applies.

Regulations.

48—(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may make provision for, or with respect to—

- (a) the duties of the directors, an administrator, and the officers of the Authority;
- (b) the issue of debentures and inscribed stock under section 24 (1) and the rights and duties of the holders of any such debentures or inscribed stock; and
- (c) subject to Schedule 4, matters of a transitional or savings nature consequent on the enactment of this Act.

(3) The regulations referred to in subsection (2) (a) may provide—

- (a) that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any

of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$10 000 or imprisonment for a period not exceeding 2 years, or both; and

(b) for the recovery by the Authority of—

(i) any profit gained by any person; or

(ii) compensation in case of any loss or damage suffered by the Authority,

as a result of a contravention or failure to comply with the regulations.

(4) The regulations, other than those referred to in subsection (2) (a), may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$1 000 or imprisonment for a period not exceeding 3 months, or both.

(5) Regulations under this section—

(a) may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations, or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified; and

(b) may take effect on the commencement day or on a later day.

49—(1) On the commencement day—

(a) the Agricultural Bank of Tasmania and the Board of Management of the Agricultural Bank of Tasmania are dissolved;

(b) the Closer Settlement Board and the Rural Reconstruction Board are dissolved;

(c) the transitional and savings provisions specified in Schedule 4 have effect; and

(d) the Acts specified in Schedule 5 are repealed.

(2) A person who ceases to hold an appointment by reason of subsection (1) is not entitled to be paid any remuneration or compensation by reason of his ceasing to hold that office.

(3) Except to the extent that a provision of this Act is inconsistent with a provision of section 16 of the *Acts Interpretation Act 1931*, that section shall apply to, and in relation to, an Act repealed by subsection (1) (d).

Dissolution of
Agricultural
Bank and
certain
boards,
Repeals, &c.

SCHEDULE 1

Section 5 (4)

PROVISIONS WITH RESPECT TO DIRECTORS

Term of
office of
directors.

1—(1) Except in the case of the managing director or an associate director, a director shall be appointed for such term, not exceeding 5 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, not exceeding 5 years, as may be specified in the instrument of his re-appointment.

(2) An associate director shall be appointed for such term, not exceeding 1 year, as the Governor thinks fit.

Remuneration of
directors.

2—A director shall be paid such remuneration and allowances as the Governor may determine.

Public Service
Act 1973 not
to apply.

3—The provisions of the *Public Service Act* 1973 do not apply to, or in respect of, the appointment of a director and a director shall not, in his capacity as such, be subject to the provisions of that Act during his term of office.

Appointment of
alternate
directors
to act during
absence of
director.

4—(1) Where a director, other than an associate director, is out of Tasmania or unable to perform the duties of his office by reason of illness or for any other reason that the Minister deems sufficient, the Governor may appoint an alternate director to act in his place in accordance with this clause.

(2) For the purposes of this clause—

- (a) the Governor may appoint any person (including a director other than the Chairman) to act in the office of the Chairman;
- (b) a director other than the Chairman shall be deemed to be absent from his office if he is acting in the office of Chairman pursuant to paragraph (a); and
- (c) a director shall be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 6.

(3) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a director, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that person.

Vacation of
office.

5—(1) A director shall be deemed to have vacated his office—

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

- (c) if he is absent from 3 consecutive ordinary meetings of the Board of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Authority or unless, before the expiration of 3 weeks after the last of those meetings, he is excused by the Board for his absence from those meetings;
- (d) if he is convicted in Tasmania of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable; or
- (e) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation.

(2) The Governor may remove a director from office if the Governor is satisfied—

- (a) that the Authority has failed to perform a duty arising from a statement of policy objectives given to it by the Minister under section 11 (1); or
- (b) that it is necessary or desirable to do so in order that the Authority may achieve its objectives.

(3) The Governor may remove a director from office for misbehaviour or incompetence or if the Governor is satisfied that the director—

- (a) has participated, or has claimed to be entitled to participate, in the profit of, or in any benefit arising from, any contract made by, or on behalf of, the Authority other than a contract for a service ordinarily supplied by the Authority, on the same terms as that service is supplied to other persons in the same situation;
- (b) has voted at any meeting of the Authority in respect of any matter in which he was at that time interested (otherwise than as a member of the public or as an elector of, or ratepayer to, any municipality, or as a shareholder in a company in which there were at that time more than 20 members and of which he was not at that time a director or officer); or
- (c) is unable to perform adequately the duties of his office.

6—On the occurrence of a vacancy in the office of a director of the Board, the Governor may appoint a person nominated by the Minister to the vacant office for the balance of his predecessor's term of office. Filling of casual vacancies.

7—(1) No act or proceeding of the Authority or of any person acting pursuant to any direction of the Authority is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a director of the Board. Validity of proceedings, &c.

(2) All acts and proceedings of the Authority or of any person acting pursuant to any direction of the Authority are, notwithstanding the subsequent discovery of any defect in the appointment of any director of the Board or that any person was disqualified from acting as, or incapable of being, a director of the Board, as valid as if the director had been duly appointed and was qualified to act as, or capable of being, a director, and as if the Board had been fully constituted.

Evidentiary
provision.

8—In any proceedings by or against the Authority, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Authority;
 - (b) any resolution of the Board;
 - (c) the appointment of any director of the Board; or
 - (d) the presence of a quorum at any meeting of the Board.
-

SCHEDULE 2

Section 5 (5)

PROVISIONS WITH RESPECT TO MEETINGS OF THE BOARD

1—In this Schedule, “director” does not include an associate director. Interpretation.

2—(1) The Board shall meet on at least 11 occasions in each calendar Convening of meetings of the Board. year.

(2) A meeting of the Board may be convened by the Chairman or by any 2 directors.

3—(1) Three directors shall form a quorum at any duly convened meeting Procedure at meetings. of the Board.

(2) For the purpose of subclause (1), a director who discloses an interest under section 42 shall be disregarded.

(3) Any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(4) Questions arising at a meeting of the Board shall, subject to this Act, be determined by a majority of votes of the directors present and voting, but an associate director is not entitled to vote.

4—(1) The person acting as Chairman of the Board shall preside at all Chairman. meetings of the Board at which he is present.

(2) If the Chairman or the person appointed under clause 4 (2) (a) of Schedule 1 is not present at a meeting of the Board, a director elected by the directors present shall preside at that meeting.

(3) The Chairman or other person presiding at a meeting of the Board has a deliberative vote, but in the event of an equality of votes on any matter before a meeting of the Board, the Chairman, if he is present, may exercise a second or casting vote or, if that right is not exercised, the matter stands adjourned to the next meeting of the Board.

5—The Board shall cause full and accurate minutes to be kept of its Minutes of meetings. proceedings at meetings and shall submit to the Minister a copy of the minutes of each meeting within 14 days after the day on which the meeting is held.

6—The procedure for the calling of, and for the conduct of business at, General procedure. meetings of the Board shall, subject to any procedure that is specified in this Schedule, be as determined by the Board.

SCHEDULE 3

Section 16

PART I

PROVISIONS WITH RESPECT TO TRANSFER OF OFFICERS AND TEMPORARY EMPLOYEES FROM PUBLIC SERVICE

Transfer of officers and temporary employees from Public Service.

1—(1) In this clause, “temporary employee” means a person employed in a temporary capacity in a department of the Public Service.

(2) The Governor may, by notice in the *Gazette*, specify—

(a) the offices of the Public Service the holders of which will on the commencement day become officers of the Authority; and

(b) the temporary employees who will, on that day, become temporary employees of the Authority,

and, on that day, notwithstanding the *Public Service Act 1973*—

(c) those offices are abolished; and

(d) the persons holding those offices and those temporary employees are transferred to the employment of the Authority, according to the tenor of the notice.

(3) Subject to any other Act or an award made under any other Act, where an officer or temporary employee is transferred to the employment of the Authority under subclause (1)—

(a) that officer is in respect of that employment entitled to the same rights and privileges as if he had remained an officer of the Public Service; or

(b) that temporary employee shall be employed by the Authority on the same terms and conditions as those to which he was subject immediately before the commencement day.

PART II

PROVISIONS WITH RESPECT TO APPOINTMENT AND TERMS AND CONDITIONS OF EMPLOYMENT OF OFFICERS OF THE AUTHORITY

Age of officers.

1—(1) Subject to subclause (2), a person who has attained the age of 65 years shall not be appointed as an officer of the Authority, and an officer of the Authority who attains that age shall cease to be so employed.

(2) Subclause (1) does not prevent the employment by the Authority of a person over the age of 65 years in a part-time capacity in any case where the Authority is satisfied that he has special qualifications and experience for his duties.

Officers to perform functions determined by the Authority.

2—An officer of the Authority shall perform—

(a) in the case of an officer transferred to the employment of the Authority under Part I, such functions as the Authority may from time to time determine; or

- (b) in any other case, such functions as may be specified in the instrument of his appointment and such other functions as the Authority may from time to time determine.

3—(1) The terms and conditions of employment (including remuneration, allowances, and entitlements) of officers of the Authority shall, subject to this Schedule and to any award or industrial agreement relating to persons engaged in the work for which they are appointed, be determined by the Authority.

Certain terms and conditions of employment of officers to be determined by the Authority.

(2) Without limiting the generality of subclause (1), it may be a term of employment of an officer of the Authority that he may be dismissed from that employment if—

- (a) he is unfit to discharge, or incapable of discharging, the duties of his office efficiently;
- (b) he is not discharging the duties of his office efficiently or satisfactorily, or in the best interests of the State;
- (c) he is not qualified either temperamentally or otherwise for the efficient and satisfactory performance of the duties of his office;
- or
- (d) he is not conducting the duties of his office in an efficient and satisfactory manner.

4—Except as provided in this Schedule, an officer of the Authority, in his capacity as such an officer, is not subject to the *Public Service Act 1973*.

Officers not subject to *Public Service Act 1973*.

5—The provisions of the *Retirement Benefits Act 1982*, and the *State Employees (Long-Service Leave) Act 1950* apply to, and in relation to, an officer of the Authority as if—

Superannuation, long service leave, &c.

- (a) that Authority were an undertaking carried on on behalf of the State or a State Authority, as the case may require; and
- (b) the officer were an employee as defined in the *Retirement Benefits Act 1982*.

6—(1) Where an officer of the Public Service or a person employed in a temporary capacity in a department of the Public Service is appointed as an officer of the Authority, he is entitled to retain all his existing and accruing rights as if his service as an officer of the Authority were a continuation of his service as an officer of the Public Service or, as the case may be, as a person temporarily so employed.

Provisions applicable where officers of Public Service, &c., are appointed as officers of Authority.

(2) Where an officer of the Public Service is transferred to the employment of the Authority under Part I. sections 32 and 33 of the *Public Service Act 1973* shall continue to apply in respect of that officer as if his service as an officer of the Authority were service as an officer within the meaning of that Act, and, for the purpose of those sections, he shall be deemed to be such an officer while he remains an officer of the Authority.

(3) Where an officer of the Public Service—

(a) is appointed as an officer of the Authority; and

(b) on ceasing to be an officer of the Authority, again becomes an officer of the Public Service,

his service as an officer of the Authority shall be regarded as service in the Public Service for the purpose of determining his rights as an officer of the Public Service.

Officers of Authority subject to Public Service awards and determinations, &c., of Public Service Arbitrator.

7—(1) An officer of the Authority—

(a) is entitled to such salary and allowances as are determined by an award under Part V of the *Public Service Act 1973*; and

(b) is bound by determinations and decisions of the Public Service Arbitrator under Part VI of that Act,

and Parts V and VI of that Act apply to and in relation to such an officer as if the Authority were the controlling authority and the State authority as mentioned in those Parts.

(2) Notwithstanding subclause (1), it may be a term of the employment of a person by the Authority that he is not in that employment to be subject to the provisions of Part V of the *Public Service Act 1973*, and any person so employed shall be deemed not to be an employee within the meaning of that Part.

Transfer of certain officers appointed under the *Industrial Development Act 1954*.

8—(1) In this clause, “contract officer” means a person who, immediately before the commencement day, was—

(a) the holder of the office of Director of Industrial Development; or

(b) a Trade Promotion Officer, Trade Officer, or Development Officer appointed under section 7A of the *Industrial Development Act 1954*.

(2) A contract officer shall, on the commencement day, become an officer of the Authority and—

(a) shall be paid a salary not less than the salary payable to him immediately before the commencement day and shall be entitled to receive the same allowances as those to which he was entitled immediately before that day;

(b) shall retain any rights that, immediately before that day, have accrued or are accruing to him by virtue of his former appointment, including any rights accruing to him under any superannuation scheme to which he was contributing immediately before that day;

(c) may continue to contribute to that scheme; and

(d) shall be entitled to receive any leave (including long-service leave) and any remuneration, pension, gratuity, or other payment,

as if he had continued to be employed by virtue of his former appointment.

(3) For the purpose of the application of the *State Employees (Long-Service Leave) Act 1950* under clause 5, the period of service of a contract officer pursuant to the *Industrial Development Act 1954* shall be deemed to be a period of service to which the first-mentioned Act applies.

(4) A person transferred under this clause to the service of the Authority shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

9—(1) Where—

(a) an officer of the Public Service has been transferred to the employment of the Authority under Part I; and

(b) the Authority proposes to dismiss him from its employment, the Authority shall notify the officer, in writing, of its intention to do so and of the ground on which it proposes to dismiss him.

(2) If the officer is dissatisfied with the ground specified in a notice given to him under subclause (1), he may appeal to the Public Service Appeal Board.

(3) An appeal under this clause shall be instituted by the officer by forwarding to the Public Service Board, within 14 days after he is given a notice under subclause (1), a notice of appeal specifying the grounds of his dissatisfaction.

(4) The Public Service Board shall, as soon as practicable after receipt of a notice of appeal under subclause (3), forward that notice to the Public Service Appeal Board.

(5) The provisions of section 84 of the *Public Service Act 1973* apply to, and in relation to, an appeal under this clause.

Rights of certain transferred officers on dismissal.

10—(1) Where—

(a) an officer of the Public Service has been transferred to the employment of the Authority under Part I; and

(b) the Authority is of opinion that the officer should be redeployed for a reason other than breach of a condition mentioned in clause 3 (2),

the Authority shall, in writing, notify the officer and the Public Service Board accordingly.

(2) If, on receipt of a notification by the Public Service Board relating to a former officer of the Public Service as mentioned in subclause (1)—

(a) there is a vacant office in a department of the Public Service classified at a level of salary not lower than that of the office held by the former officer immediately before the commencement day; and

(b) the Public Service Board is of the opinion that the former officer is suitably qualified for appointment to that vacant office,

the Governor shall, on the recommendation of the Public Service Board, appoint the former officer to that vacant office.

(3) In making a recommendation for the appointment of a former officer for the purposes of subclause (2), the Public Service Board shall—

(a) have regard to the skills, experience, and efficiency gained by the former officer in the service of the Authority; and

(b) the length of that service.

Rights of certain transferred officers if services not required.

Candidature
for election as
Member of
Parliament.

11—For the purposes of section 16 (2), a person becomes a candidate for election as a member of a House of Parliament when he is nominated for that election in accordance with the law regulating the election.

Reinstatement
of former
officers.

12—(1) Where a person who—

- (a) was an officer of the Authority;
- (b) ceased to be such an officer on becoming a candidate for election as a member of a House of Parliament as provided by clause 11;
- (c) was a candidate at that election;
- (d) failed to be elected; and
- (e) applies, within 2 months after the declaration of the result of that election,

the Authority may re-appoint that person to his former office without the fulfilment of any conditions otherwise required for making the appointment.

(2) Where a person is so re-appointed, he shall, subject to subclause (3), hold that office in all respects as if he had been absent on leave without pay from his office for the period from the day he ceased to be an officer to the day before the day on which he was re-appointed.

(3) For the purpose of the application of the *State Employees (Long-Service Leave) Act 1950* under clause 5, if a person so re-appointed became entitled, by reason of his ceasing to be an officer under section 16 (2) of this Act, to an allowance under section 7 of that Act, he shall for the purpose of subclause (2) be treated, in respect of the period in respect of which the amount of the allowance is calculated under subsection (5) of the last-mentioned section, or so much of that period as had expired before his re-appointment took effect, as if absent, not on leave without pay, but on long service leave under that Act.

(4) If a person's re-appointment as mentioned in subclause (3) takes effect before the expiration of the period mentioned in that subclause, the whole period shall for the purposes of subclause (2) be deemed to have expired on the day before his re-appointment took effect.

(5) Where the rights of a person so re-appointed have been changed on his ceasing to be an officer, in respect of pension, pay in lieu of leave or otherwise, all necessary payments, repayments, and entries shall be made to put him in the same position as if he had been absent on leave as mentioned in subclause (2).

(6) Subclause (5) has effect subject to the provisions of the *Retirement Benefits Act 1982* and, in a case where the *Public Servants' Retiring and Death Allowances Act 1925* applies to an officer of the Authority, the provisions of that Act.

SCHEDULE 4

Section 48 (2) (c) and
49 (1) (c)

TRANSITIONAL AND SAVINGS PROVISIONS

1—In this Schedule, “ former board ” means—

Interpretation.

- (a) the Board of Management of the Agricultural Bank of Tasmania;
- (b) the Closer Settlement Board; or
- (c) the Rural Reconstruction Board,

as existing, in each case, immediately before the commencement day.

2—(1) In subclause (2), “ property ” means any legal or equitable estate or interest, whether present or future and whether vested or contingent, or real or personal property of any description, and includes entitlements, powers, and privileges.

Transfer of
assets, &c.,
of former
boards to
Authority.

(2) Subject to this clause, on and from the commencement day—

- (a) all property that, immediately before that day, was pursuant to a repealed Act or an Act that, after that day, is administered by the Authority, vested in or belonged to the Crown or a former board shall vest in and belong to the Authority and all responsibility for the management and control of that property shall become vested in the Authority;
- (b) all money, debts, and claims, liquidated or unliquidated, that, immediately before that day, was or were payable to, due to, or recoverable by, a former board shall be money, debts, or claims payable to, due to, or recoverable by the Authority;
- (c) all money, debts, and claims, liquidated or unliquidated, that, immediately before that day, was or were payable by, due from, or recoverable against a former board shall be money, debts, or claims payable by, due from, or recoverable against the Authority;
- (d) the Authority may enforce and realize any security existing immediately before that day in favour of a former board and exercise any powers conferred on that board as if the security were a security in favour of the Authority;
- (e) all legal proceedings pending immediately before that day which were instituted by a former board shall be deemed to be legal proceedings pending on that day which were instituted by the Authority;
- (f) all legal proceedings pending immediately before that day which were instituted by any person against a former board shall be deemed to be legal proceedings pending on that day which were instituted by that person against the Authority;
- (g) legal proceedings which could have been instituted by a former board to enforce an obligation that was required to be performed, or a right that had accrued, before that day, or to enforce an obligation required to be performed or a right that may be exercised in respect of any act, matter, or thing done or omitted to be done, may be instituted by the Authority;

- (b) legal proceedings which could have been instituted by a person against a former board to enforce an obligation that was required to be performed, or a right that had accrued, before that day, or to enforce an obligation required to be performed or a right that may be exercised in respect of any act, matter, or thing may be instituted by that person against the Authority;
- (i) any judgment or order of a court obtained by a former board and not executed or satisfied before that day shall be deemed to be a judgment or order in favour of the Authority;
- (j) any judgment or order of a court obtained by a person against a former board and not executed or satisfied before that day shall be deemed to be a judgment or order against the Authority;
- (k) any document which was addressed to, and which purported to have been served on or notified to, a former board and which, whether by virtue of this Act or otherwise, had not ceased to have effect before that day shall be deemed to have been served on or notified to the Authority; and
- (l) any document which was addressed to, and which purported to have been served on, or notified to, a person by, or on behalf of, a former board and which, whether by virtue of this Act or otherwise, had not ceased to have effect before that day shall be deemed to have been served on, or notified to, that person by the Authority.

References to
the Agricultural
Bank of
Tasmania, &c.

3—A reference in any enactment, agreement, certificate, notice, or other document to the Agricultural Bank of Tasmania, the Board of Management of the Agricultural Bank of Tasmania, the Closer Settlement Board, or the Rural Reconstruction Board shall, if that enactment, agreement, certificate, notice, or other document was subsisting or in force immediately before the commencement day, be read after that day as a reference to the Authority, and that enactment, agreement, certificate, notice, or other document shall be construed and have effect accordingly.

Special
provisions
applicable to
land under
*Land Titles
Act 1980* and
*Registration
of Deeds Act
1935*.

4—(1) Where any estate or interest in land under the *Land Titles Act 1980* is by virtue of clause 2 vested in the Authority, the Authority shall, notwithstanding any provision of that Act to the contrary, be deemed to be the registered proprietor of that estate or interest and may deal with it accordingly.

(2) The Recorder of Titles may register an instrument relating to an estate or interest in land referred to in subclause (1), executed by the Authority, if the instrument is in a registrable form, notwithstanding that the Authority is not recorded as the registered proprietor of that estate or interest in the Register kept under the *Land Titles Act 1980*.

(3) Where any estate or interest in land to which the *Registration of Deeds Act 1935* applies is, by virtue of clause 2, vested in the Authority, an instrument dealing with that estate or interest may, if executed by the Authority and if otherwise in a registrable form, be registered by the Registrar of Deeds, notwithstanding that no instrument formally vesting that estate or interest in the Authority has been registered under that Act.

5—In respect of the period commencing on the commencement day and ending on 30th June 1984, the provisions of section 23 (1) (a) and (e) and (2) do not apply to, or in relation to, any affairs or activities of the Authority that were carried on by a former board during the financial year ending on that day.

Certain recurrent expenditure and income of Authority for 1983-1984.

6—Sections 29 and 41 have effect in relation to the financial statements and annual report to be prepared by the Authority in respect of the financial year ending on 30th June 1984 as if the Authority had had responsibility for the administration of each repealed Act during that financial year.

Financial statements and annual report for 1983-1984.

7—Notwithstanding the repeals effected by section 49 (1) (d)—

General saving provision.

- (a) all acts, matters, and things done, or omitted to be done, by, or done or suffered in relation to, a former board before the commencement day shall, on and after that day, have the same force and effect as if they had been done by, or suffered in relation to, the Authority; and
- (b) without limiting the generality of paragraph (a), a lease granted, certificate or notice given, register kept, agreement, determination, advance, charge, deposit, forfeiture, appointment, or payment made or security taken under a repealed Act that, immediately before the commencement day, was of force or effect shall continue in force and have effect as if granted, given, kept, made, or taken under, or for the purposes of, this Act.

8—The repeal of the *State Advances Act* 1935 effected by section 49 (1) (d) does not disturb the effect of any guarantee that was in force immediately before the commencement day under section 14B of that Act and, notwithstanding that repeal, the provisions of that section continue to have effect in relation to that guarantee.

Saving for certain guarantees by Treasurer.

9—The repeal of the *Industrial Development Act* 1954 effected by section 49 (1) (d) does not disturb the effect of an agreement that was made under that Act or the *Industries Establishment Act* 1946 and that is in force immediately before the commencement day.

Saving for certain agreements.

10—Any land that was—

- (a) acquired before the commencement day for the purpose of a new industry or the establishment of new industries generally; and
- (b) immediately before that day, subject to the *Industrial Development Act* 1954,

Saving for land purchased for new industries.

shall be deemed to have been acquired under section 12 and may, if not already disposed of under this Act, be disposed of in accordance with section 14 or, if leased to a person under this Act, may, on the expiration or earlier determination of the lease, be disposed of in accordance with that section.

SCHEDULE 5

Section 49 (1) (d)

ACTS REPEALED

Year and number of Act	Short title of Act
No. 72 of 1976	<i>Apple Industry (Assistance) Act 1976</i>
No. 22 of 1976	<i>General Jones Pty. Limited Loan and Guarantee Act 1976</i>
2 Geo. VI No. 20	<i>Housing Improvement Act 1938</i>
10 Geo. VI No. 17	<i>Housing Improvement (Powers of Approved Institutions) Act 1946</i>
No. 71 of 1954	<i>Industrial Development Act 1954</i>
No. 84 of 1976	<i>Industrial Development Act 1976</i>
No. 35 of 1978	<i>Industrial Development Act 1978</i>
No. 66 of 1982	<i>Industrial Development Amendment Act 1982</i>
No. 25 of 1983	<i>Industrial Development Amendment Act 1983</i>
No. 76 of 1977	<i>Industries Assistance Act 1977</i>
No. 22 of 1975	<i>King Island Dairy Products Co-operative Society Limited Loan Guarantee Act 1975</i>
No. 23 of 1976	<i>King Island Dairy Products Co-operative Society Limited Loan Guarantee Act 1976</i>
No. 70 of 1977	<i>Poultry Industry (Broiler Raising) Loan Guarantee Act 1977</i>
26 Geo. V No. 41	<i>State Advances Act 1935</i>
9 & 10 Geo. VI No. 68	<i>State Advances Act (No. 2) 1946</i>
11 & 12 Geo. VI No. 94	<i>State Advances Act 1947</i>
No. 60 of 1965	<i>State Advances Act 1965</i>
No. 6 of 1978	<i>State Advances Act 1978</i>
No. 30 of 1979	<i>State Advances Amendment Act 1979</i>
No. 57 of 1979	<i>State Advances Amendment Act (No. 2) 1979</i>