

## THE SCHEDULE.

(Section 25.)

*The Queen Victoria Maternity Hospital Act 1952.*

### ASSIGNMENT OF CONTRACT.

To (other party)  
(address)

Take notice that pursuant to section 25 of the *Queen Victoria Maternity Hospital Act 1952* your contract with the Queen Victoria Hospital and Baby Health Association for the supply of coke or as staff nurse or as the case may be is on and from (the appointed day) transferred and assigned to the Board of Management of the Queen Victoria Maternity Hospital or the Child Welfare Association (as the case may be). You will have all the rights against them that you had against the Queen Victoria Hospital and Baby Health Association and they will have all the rights against you that that Association had.

(Sgd.)

for the General Committee of the Queen  
Victoria Hospital and Baby Health  
Association.

◀(Date)

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## POTATO MARKETING BOARD.

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No. 73 of 1952.

AN ACT to incorporate the Potato Marketing Board of Tasmania, to define the objects and functions of the Board, and to provide for matters incidental thereto.  
[12 December, 1952.]

WHEREAS it is expedient to incorporate the board Preamble.  
that is mentioned in section ten of the *Plant Diseases Act 1930* and therein described as the Potato Marketing Board but that is more accurately described as the Potato Marketing Board of Tasmania, and to provide for its continuance and to define the objects and functions of the Board:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

**1** This Act may be cited as the *Potato Marketing Board Act 1952*.

Interpretation.

**2** In this Act, unless the contrary intention appears—

“advertised” means advertised by notice published in a daily newspaper that is printed or published in a division;

“Board” means the Potato Marketing Board of Tasmania, being the Board that is mentioned in the preamble to this Act;

“casual vacancy” means a vacancy in the office of a member of the Board that arises otherwise than by reason of the completion of his term of office;

“division” means a division that is specified in the third column of the schedule;

“grower” means a person who is the owner or occupier of land of an area of not less than two acres on which he cultivates potatoes for export from this State;

“Minister” means the Minister for Agriculture;

“ordinary vacancy” means a vacancy in the office of a member of the Board that arises by reason of the completion of his term of office;

“potato” includes every class of vegetable in respect of which inspection fees are payable under section ten of the *Plant Diseases Act 1930*;

“register” means a register of growers under section twelve;

“registered grower” means a grower whose name, residential address, and qualification appear in a register;

“Secretary” means the secretary to the Board, and includes an assistant secretary.

Incorporation, &c., of the Board.

**3**—(1) The Board shall continue to be a Board of five elected members, and, subject to section seven, one member shall be elected to represent each division.

(2) The Board is hereby constituted a body corporate with a common seal and perpetual succession, and the Board may hold lands in any tenure and shall be capable of suing and being sued in its corporate name.

(3) There shall be engraved on the seal of the Board its name and a statement that it is incorporated by this Act.

Transfer of assets and liabilities.

**4**—(1) All assets (including moneys, securities, and choses in action) of the Board immediately prior to the commencement of this Act are, by virtue of this section and without

the necessity of any conveyance or assignment, vested in the body corporate constituted by this Act for the like purposes for which they were held prior to the commencement of this Act.

(2) All liabilities of the Board immediately prior to the commencement of this Act are transferred to, and, by virtue of this section and without further or other authority, shall devolve on, the body corporate constituted by this Act.

(3) The body corporate constituted by this Act shall forthwith assume, pay, and discharge all liabilities that are so transferred to it.

**5**—(1) No member of the Board shall incur any personal liability for or by reason of any act lawfully performed by him as a member thereof. Exemption from personal liability.

(2) The Board shall indemnify each person who is a member of the Board at the commencement of this Act against and in respect of his personal liability for, or by reason of, or arising out of, any act lawfully performed by him as a member of the Board prior to the commencement of this Act.

**6**—(1) Subject to this section, each division shall comprise the area comprised within the municipality or municipalities specified in the fourth column of the schedule opposite the name of that division. Divisions and alterations thereof.

(2) The Board may, with the approval of the Minister, transfer any municipality from one division to another division.

(3) Each transfer so made shall forthwith be notified in the *Gazette* and advertised.

(4) No transfer so made shall in any way affect the term of office of any member of the Board.

**7** Subject to section eight, each of the persons named in the first column of the schedule (being the members of the Board immediately prior to the commencement of this Act) shall continue as the member for the division specified opposite his name in the schedule, and his term of office is extended until the last day of August in the year specified opposite his name in the schedule. Existing members to continue.

**8**—(1) The office of a member of the Board shall become vacant— Vacancies on the Board.

(a) at the expiration of his term of office;

(b) if, during his term of office, he—

(i) is absent without the leave of the Board from three consecutive meetings of the Board;

(ii) ceases to be a registered grower;

(iii) fails to fulfil the provisions of section fifteen;

(iv) becomes bankrupt or insane or is convicted of a crime under the *Criminal Code*; or

(v) becomes financially interested, directly or indirectly, in any contract to which the Board is a party.

(2) A member of the Board shall not be deemed, for the purposes of this section, to be financially interested in any contract to which the Board is a party by reason only—

(a) that he is entitled to remuneration, salary, fees, or allowances authorised by section twenty; or

(b) that the contract is one entered into with him by the Board, whether as principal or agent, upon terms and conditions available to growers generally, for the sale or hire of goods, or provision of services to him.

Vacancies to be filled by election.

**9**—(1) A vacancy on the Board shall be filled by election held in the division that elected the member whose place on the Board is to be filled at that election.

(2) An election to fill an ordinary vacancy shall be held on such date as the Board may fix in the month of August in which the vacancy is due to occur.

(3) An election to fill a casual vacancy shall be held on such date as the Board may fix, being not more than four months after the vacancy has occurred.

Elections and nominations.

**10**—(1) A member who is elected to fill an ordinary vacancy shall hold office for the term of three years from and including the first day of September in the year in which the election is held.

(2) A member who is elected to fill a casual vacancy shall hold office for the unexpired residue of the term of office of the member in whose place he is elected.

Qualifications for election.

**11**—(1) A candidate for election shall be a registered grower at the date of his nomination and shall satisfy the returning officer that he exported from the State during the year ending on the last day of June then last past potatoes grown by him and paid inspection fees in respect thereof under the *Plant Diseases Act 1930*.

(2) A candidate shall be nominated by at least two registered growers entitled to vote at the election.

(3) A nomination shall be endorsed with, or accompanied by, a statutory declaration by the candidate declaring that he is then a registered grower and is qualified to be a member.

Register of Growers.

**12**—(1) The Board shall, forthwith after the commencement of this Act, cause to be compiled a new register for each of the divisions named in the third column of the schedule, in which shall be entered the names of all growers, as at the

last day of July, 1952, who reside within the division, together with their residential addresses and qualifications for registration.

(2) The register compiled in respect of each division shall be compiled from the register of growers in force at the thirtieth day of June, 1952, with the omission therefrom of the names of all persons whom the Board considers to be no longer qualified to be registered growers residing within that division.

(3) Upon the completion of the compilation of each register, notice of the completion thereof shall be notified in the *Gazette* and advertised by the Board and the notice shall state that the registers are open for inspection at the Board's head office.

**13**—(1) The Board shall revise the registers by striking out the names of deceased registered growers, by removing the names of other registered growers, and by adding the names, residential addresses, and qualifications of new growers, as the case requires. Revision of registers.

(2) Before deciding to strike out the name of a registered grower the Board shall, by notice addressed to him at his address recorded in the register, request him, within such reasonable time as is specified in that behalf in the notice, to file with the Secretary a declaration setting forth his reasons, if any, against his name being struck out.

(3) No grower shall be registered except on his application, in writing, supported by statutory declaration containing the prescribed information.

**14**—(1) The right to vote at an election shall be confined to registered growers for the relevant division, as at the last day of June immediately preceding the election. Voting at elections.

(2) If a registered grower is a partnership the right to vote shall be exercised by one of the partners authorised by the other partners, in writing, to vote on behalf of the partnership.

(3) Ballot papers shall be issued to a voter only if the returning officer is satisfied the voter has, during the year ended on the last day of June immediately preceding the election, exported from the State potatoes grown by him and paid inspection fees in respect thereof under the *Plant Diseases Act 1930*.

(4) No voter shall be entitled to more than one ballot paper.

(5) The method of voting shall be the same as at the commencement of this Act unless and until it is changed by the Board with the approval of the Minister.

(6) Each change in the method of voting shall be notified in the *Gazette* and advertised.

(7) Subject to this section, the Board may, in all respects, regulate and control elections.

Statutory declaration to be made by members.

**15—**(1) A statutory declaration that he is then qualified to be or remain a member shall be made and subscribed—

- (a) by each person who is a member at the commencement of this Act, at the first meeting he attends after the commencement thereof;
- (b) by each member, at the first meeting he attends after the month of August in each year; and
- (c) by each member who is elected at an election held otherwise than in the month of August in any year, at the first meeting he attends after his election.

(2) A statutory declaration under this section shall be delivered to the Secretary before the commencement of the meeting.

Proceedings of Board.

**16—**(1) Three members shall constitute a quorum of the Board for the despatch of business, and the Board may function, notwithstanding a vacancy in its membership, so long as a quorum remains.

(2) The Board shall, at its first meeting after the thirty-first day of August in each year, elect one of its members to be the chairman of the Board for the ensuing twelve months.

(3) The chairman shall preside at all meetings of the Board at which he is present and, in his absence from a meeting, the members present thereat shall elect one of their number as the chairman during the absence of the chairman.

(4) Except as otherwise expressly provided in this Act, the Board may regulate its own procedure.

Provisions relating to the making of contracts.

**17—**(1) Contracts on behalf of the Board may be made as follows, that is to say:—

- (a) A contract that, if made between private persons, would by law be required to be in writing under seal may be made on behalf of the Board in writing under the common seal of the Board, and may, in the same manner, be varied or discharged;
- (b) A contract that, if made between private persons, would by law be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Board in writing signed by a person acting under its authority, express or implied, and may, in the same manner, be varied or discharged; and
- (c) A contract that, if made between private persons, would by law be valid although made by parole only and not reduced into writing, may be made by parole on behalf of the Board by a person acting under its authority, express or implied, and may, in the same manner be varied or discharged.

(2) All contracts that are made in accordance with this section shall be effectual in law, and shall bind the Board and its successors and all other parties thereto, their heirs, executors, or administrators, as the case may be.

**18** A bill of exchange or promissory note shall be deemed to have been made, accepted, or indorsed on behalf of the Board if it is made, accepted, or indorsed in the name of, or by or on behalf or on account of, the Board, by a person acting under its authority. Bills of exchange, &c.

**19**—(1) The Secretary and the other employees of the Board at the commencement of this Act shall continue in their employment during the pleasure of the Board. Employees.

(2) The Board may employ such officers and other employees as it may determine.

(3) The officers and employees of the Board shall be paid such remuneration as the Board may determine.

**20**—(1) A member of the Board shall be paid such remuneration from the funds of the Board for each day he attends a meeting of the Board as the Board may, with the approval of the Minister, determine. Allowances to members.

(2) In addition to the remuneration payable under subsection (1) of this section, travelling allowances, not exceeding the usual charge for the same journey by public conveyance, shall be paid to a member of the Board except where it is necessary for him to travel by car, in which case a rate per mile fixed by the Board, with the approval of the Minister, shall be paid.

(3) If the Board deems it necessary it may appoint the chairman or any member of the Board to perform special duties or work for the Board and may pay to him, in connection therewith such salary, fees, and expenses as the Board may, with the approval of the Minister, determine.

**21** The Board may borrow by overdraft on its bank account, secured on the moneys and securities vested in the Board, such amounts as the Board may require for carrying out its objects and functions, but so that the maximum amount so borrowed does not exceed such amount as the Minister may determine in that behalf. Power of Board to borrow money on overdraft.

**22**—(1) The Board may act, in such a manner as it deems fit, in respect of all matters relating to the potato industry of this State and the production, processing, and marketing of potatoes grown in this State. Objects and functions of the Board.

(2) The Board may apply any moneys at its disposal for the purpose of—

- (a) advertising potatoes grown in this State;
- (b) encouraging the production of potatoes;
- (c) distributing information relating to the potato industry; and

(d) engaging in and carrying on, either directly or through agents, any business relating to the production, processing, and marketing of potatoes, in such a manner as the Board thinks best.

(3) Nothing in this Act shall authorise or empower the Board—

- (a) to acquire potatoes compulsorily;
- (b) to restrict the free marketing of potatoes; or
- (c) to restrict the acreage of potatoes planted by any grower in any year.

Headquarters of Board.

**23** The office headquarters and principal office of the Board shall be at Burnie, or at such other place in this State as the Board may, with the approval of the Minister, appoint.

Audit of accounts.

**24** The accounts of the Board shall be subject to the provisions of the *Audit Act* 1918, as if the Board were a local authority within the meaning of that Act.

THE SCHEDULE.

(Sections 2, 12.)

The First Column	The Second Column	The Third Column	The Fourth Column
William Ollington Malley .....	1955	Division No. 1	The Municipality of Circular Head
Clement Giles Wragg .....	1953	Division No. 2	The Municipalities of Wynyard and Burnie
Stanley Edward Joseph Wing .....	1953	Division No. 3	The Municipalities of Penguin, Ulverstone, and Kentish
Leslie Eli Brown ....	1955	Division No. 4	The Municipalities of Devonport, Latrobe, Deloraine, Westbury, and Beaconsfield
Harold Vincent Salier .....	1955	Division No. 5	The Municipalities of Georgetown, Lilydale, Scottsdale, Ringarooma, Oatlands, and Richmond and all other Municipalities not named in this schedule.