



ROAD SAFETY (ALCOHOL AND DRUGS)

No. 18 of 1974

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title, citation, and commencement. 2. Interpretation. 3. Powers of arrest, etc. 4. Liability for breath analysis as result of conduct. 5. Disqualification for driving. | <ol style="list-style-type: none"> 6. Special licences in case of hardship. 7. Application of Division I of Part III of Principal Act. 8. Presumptions with respect to analyses. |
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AN ACT to amend the Road Safety (Alcohol and Drugs) Act 1970.
[16 May 1974]

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

1—(1) This Act may be cited as the *Road Safety (Alcohol and Drugs) Act 1974*.

Short title,
citation, and
commence-
ment.

(2) The *Road Safety (Alcohol and Drugs) Act 1970* is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation and end on the 30th June 1975.

Interpretation.

2 Section two of the Principal Act is amended by inserting in the definition of “first-year driver” in subsection (1), after the word “means”, the words “a person who holds a learner’s licence or”.

Powers of arrest, etc.

3 Section five of the Principal Act is amended by inserting after subsection (1) the following subsection:—

“(1A) Where a police officer has, as a result of a breath analysis, reasonable grounds for believing that a person has committed an offence against section six, he may arrest that person without warrant, and may take charge of any vehicle in the charge of that person and remove it to any convenient place for safe keeping.

“(1B) Where a police officer has taken charge of a motor vehicle under subsection (1A) of this section and a charge has been laid under section six that motor vehicle shall be delivered to any person who has the right to the possession thereof, unless a police officer has reasonable grounds for believing that if that person then drove that vehicle he would be committing an offence against section four or section six.”.

Liability for breath analysis as result of conduct.

4 Section eight of the Principal Act is amended by omitting from subsection (3) the words “subsection (2)” and substituting therefor the words “subsection (1)”.

Disqualification for driving.

5 Section eighteen of the Principal Act is amended—

- (a) by omitting from subsection (4) the words “by a driver’s licence issued pursuant to section nineteen” and substituting therefor the words “pursuant to a special hardship order within the meaning of section thirty-six AAA of the *Traffic Act 1925*”;
- (b) by inserting in that subsection, after the words “subsection (1)”, the words “or subsection (2)”; and
- (c) by omitting subsection (5) and substituting therefor the following subsection:—

“(5) Where a person—

- (a) is convicted of an offence under section four, having been previously convicted of such an offence; or

- (b) is convicted of an offence under this Act and it is shown that at the time the offence was committed the concentration of alcohol in his blood exceeded 0·15 grams per 100 millilitres,

and he is, on his conviction, disqualified for obtaining or holding a driver's licence, a registering authority, on a subsequent application for a driver's licence made by that person, shall not issue the licence applied for unless it is satisfied, on the certificate of a medical practitioner nominated by the Alcohol and Drug Dependency Board, that at the time of making the application the person making the application was not suffering from alcohol dependency within the meaning of the *Alcohol and Drug Dependency Act 1968*."

6 Section nineteen of the Principal Act is repealed and the following section is substituted therefor:—

Special licences
in case of
hardship.

"19 Subject to this section, section thirty-six AAA of the *Traffic Act 1925* applies to the conviction of a person for an offence under this Act as it would apply if that offence were an offence under that Act unless—

- (a) it is shown that at the time the offence was committed the concentration of alcohol in the blood of that person exceeded 0·15 grams in 100 millilitres of blood; or
- (b) within the period of three years immediately preceding the conviction, he had a previous conviction within the meaning of section twenty."

7 Section twenty-two of the Principal Act is amended by omitting from paragraph (a) of subsection (1) the words "has committed an offence under section four" and substituting therefor the words "as to the extent to which he was under the influence of intoxicating liquor".

Application of
Division I of
Part III of
Principal Act.

8 Until 30th June 1975 section twenty-three of the Principal Act shall have effect as if for subsections (1) and (2) thereof there were substituted the following subsections:—

Presumptions
with respect to
analyses.

"(1) In any proceedings to which this Division applies, the concentration of alcohol in a sample of blood taken from a person

in accordance with this Act shall be deemed to be the actual concentration of alcohol in his blood at the time at which the sample was taken, unless it is shown on the balance of probabilities that the concentration of alcohol in his blood at the time was not greater than the prescribed concentration.

“(2) In any proceedings to which this Division applies, the concentration of alcohol in the blood of a person as determined by a breath analysis that was properly carried out shall be deemed to be the actual concentration of alcohol in the blood of that person at the time at which he submitted to the analysis, unless it is shown on the balance of probabilities that the concentration of alcohol in his blood at the time was not greater than the prescribed concentration.”.



TASMANIAN AUXILIARY NURSING SERVICE

No. 19 of 1974

ANALYSIS

1. Short title and citation.
2. Qualifications for registration.

AN ACT to amend the Tasmanian Auxiliary Nursing Service Act 1949.

[5 June 1974]

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

1—(1) This Act may be cited as the *Tasmanian Auxiliary Nursing Service Act 1974*. Short title and citation.

(2) The *Tasmanian Auxiliary Nursing Service Act 1949*, as subsequently amended, is in this Act referred to as the Principal Act.

Qualifications
for registration.

2 Section 5 (1) (a) (i) of the Principal Act is amended by omitting the word " year " and substituting therefor the words " and second years ".

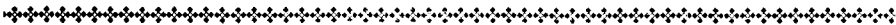


TASMANIAN GOVERNMENT INSURANCE

No. 20 of 1974

ANALYSIS

1. Short title and citation.
2. Additional powers of Tasmanian Government Insurance Office.



AN ACT to amend the Tasmanian Government Insurance Act 1919.

[5 June 1974]

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

1—(1) This Act may be cited as the *Tasmanian Government Insurance Act 1974*. Short title and citation.

(2) The *Tasmanian Government Insurance Act 1919*, as subsequently amended, is in this Act referred to as the Principal Act.

Additional
powers of
Tasmanian
Government
Insurance
Office.

2 Section 3 of the Principal Act is amended—

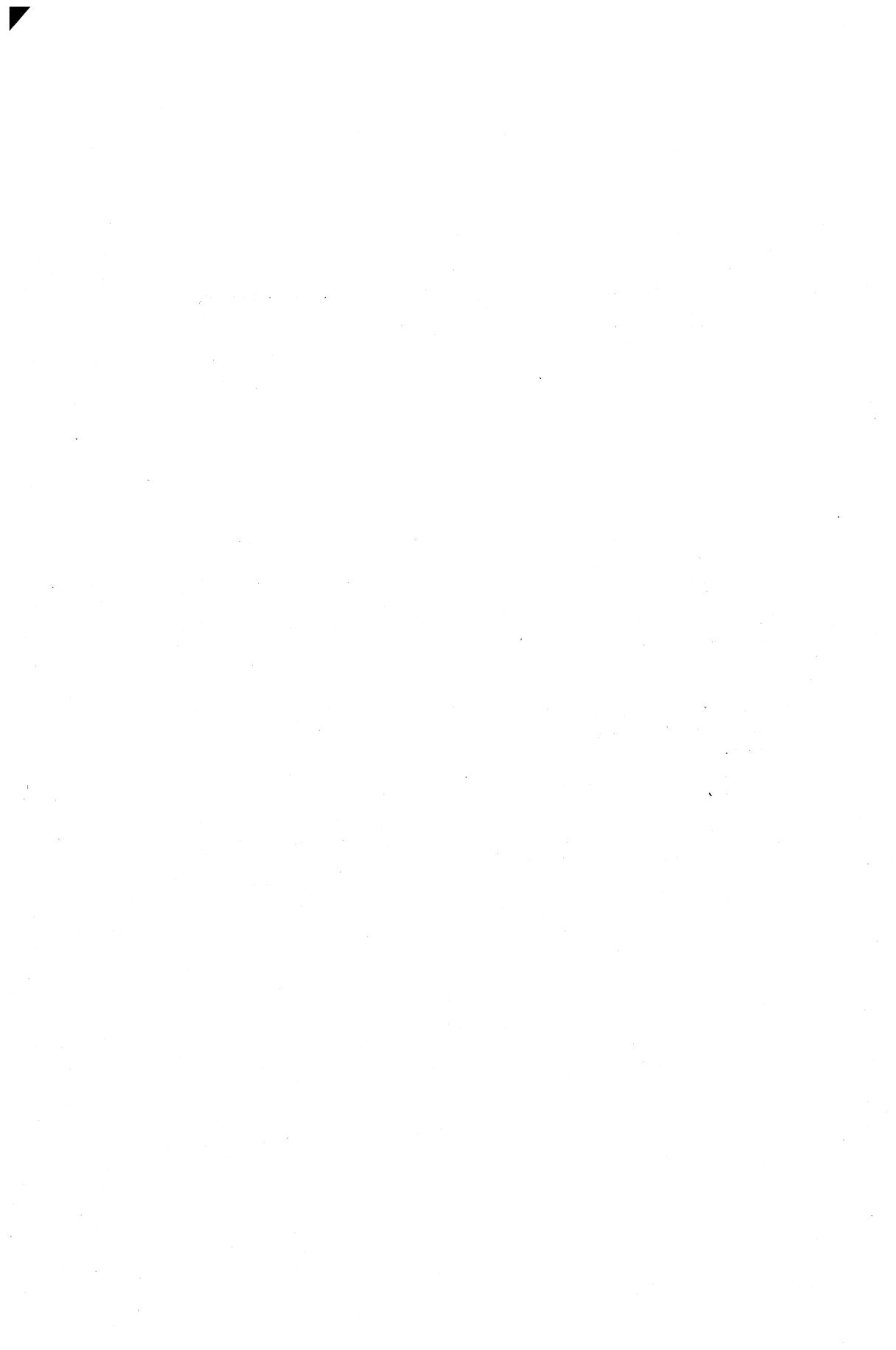
- (a) by inserting, after the words “marine insurance,”, the words “death and permanent incapacity insurance for home purchasers,”; and
- (b) by inserting, after the word “except”, the words “other forms of”; and
- (c) by adding at the end thereof the following subsection:—

“(2) The amount payable under a death and incapacity insurance for a home purchaser entered into under this Act shall not exceed the amount required, on the death or permanent incapacity of the person insured, to discharge any mortgage on, or complete any contract for the purchase of, the home, together with any costs incidental thereto.”.

**CROWN LANDS (MISCELLANEOUS PROVISIONS)
ACT 1974**

ANALYSIS

- | | |
|---|---|
| <ol style="list-style-type: none">1. Short title and citation.2. Closure of highway at Latrobe and reservation of land as a school allotment.3. Closure of former reserved road at Nunamara and sale of site to <i>G. K. & B. E. Littlejohn</i>.4. Closure of disused road at Wilmot and sale of site to <i>L. C. Fisher</i>.5. Sale of meridian reserve to <i>M. R. Clarke</i>.6. Grant of land at Deloraine to Deloraine Geriatric Centre Inc. | <ol style="list-style-type: none">7. Sale of Crown land near Ulverstone to The Ulverstone and Penguin Abattoirs Pty. Ltd.8. Closure of road at Old Beach and sale of site to <i>G. N. Day</i>.9. Closure of road at Old Beach and sale of site to <i>A. M. & M. P. Cornish</i>.10. Sale of Crown land at Gormanston to <i>L. T. & G. D. Riseley</i>.11. Exchange of lands near Ouse with <i>G. M. Hall</i>.12. Sale of Crown land near Westbury to personal representative of the late <i>A. E. Donovan</i>.13. Supplementary provisions. |
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**CROWN LANDS (MISCELLANEOUS PROVISIONS)**

No. 21 of 1974

**AN ACT to make provision for certain matters relating to certain
Crown lands and other land.**

[5 June 1974]

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

1—(1) This Act may be cited as the *Crown Lands (Miscellaneous Provisions) Act 1974*. Short title and citation.

(2) This Act is incorporated and shall be read as one with the *Crown Lands Act 1935* (in this Act referred to as the Principal Act).

Closure of highway at Latrobe and reservation of land as a school allotment.

2—(1) All public rights of passage over the land described in Schedule I are extinguished, and those lands revert to, and revest in, Her Majesty absolutely, freed and discharged from all estates and interests therein subsisting in any person.

(2) The land referred to in subsection (1) shall be deemed to be Crown land within the meaning of the Principal Act that, on the commencement of this Act, is excepted from sale and lease and reserved as a school allotment under section 9 of the Principal Act.

Closure of former reserved road at Nunamara and sale of site to G. K. & B. E. Littlejohn.

3 All public rights of passage over the Crown land described in Schedule II are extinguished and the Commissioner may sell that land to *Geoffrey Keith Littlejohn* of Nunamara in this State and *Basil Evan Littlejohn* of Launceston in this State.

Closure of disused road at Wilmot and sale of site to L. C. Fisher.

4 All public rights of passage over the Crown land described in Schedule III are extinguished and the Commissioner may sell that land to *Leonard Charles Fisher* of Wilmot in this State.

Sale of meridian reserve to M. R. Clarke.

5 The Commissioner may sell the Crown land described in Schedule IV to *Michael Richard Clarke* of Somerset in this State.

Grant of land at Deloraine to Deloraine Geriatric Centre Inc.

6—(1) The Governor may, in the name and on behalf of Her Majesty, convey and alienate to the Deloraine Geriatric Centre Inc. for an estate in fee simple, the land described in Schedule V.

(2) The conveyance and alienation of any land pursuant to this section shall reserve to Her Majesty the right to resume that land if it is not being used for the purposes of the provision of accommodation for aged persons or for purposes reasonably ancillary thereto.

Sale of Crown land near Ulverstone to the Ulverstone and Penguin Abattoirs Pty. Ltd.

7 The Commissioner may sell the Crown land described in Schedule VI to The Ulverstone and Penguin Abattoirs Proprietary Limited.

Closure of road at Old Beach and sale of site to G. N. Day.

8 All public rights of passage over the Crown land described in Schedule VII are extinguished and the Commissioner may sell that land to *George Noel Day* of Old Beach in this State.

9 All public rights of passage over the Crown land described in Schedule VIII are extinguished and the Commissioner may sell that land to *Augustus Morris Cornish* and *Margaret Patricia Cornish*, both of Old Beach in this State.

Closure of road at Old Beach and sale of site to A. M. & M. P. Cornish.

10 The Commissioner may sell the Crown land described in Schedule IX to *Leslie Thomas Riseley* and *Gwendoline Doris Riseley*, both of Gormanston in this State.

Sale of Crown land at Gormanston to L. T. & G. D. Riseley.

11—(1) All public rights of passage over the land described in Part I of Schedule X are extinguished.

Exchange of lands near Ouse with G. M. Hall.

(2) On the surrender to Her Majesty of all lands described in Part II of Schedule X the Governor may, in the name and on behalf of Her Majesty, convey and alienate the land referred to in subsection (1) to *Geoffrey Milton Hall* of Bushy Park in this State, for an estate in fee simple.

12—(1) The Commissioner may sell to the personal representative of the late *Annie Elizabeth Donovan*, formerly of Westbury in this State, the Crown land described in Schedule XI.

Sale of Crown land near Westbury to personal representative of the late A. E. Donovan.

(2) Any land conveyed under this section shall form part of the estate of *Annie Elizabeth Donovan* and any expenses incurred by the personal representative shall be paid out of the estate.

13—(1) Subject to subsection (2), where power is given to the Commissioner under this Act to sell any land, that land shall be sold at such price and on such terms as are determined by the Director of Lands.

Supplementary provisions.

(2) The price of any Crown land referred to in section 7, section 10, or section 12 that is determined by the Director of Lands under subsection (1) may be less the value of the tenant's improvements to that land as assessed by the Director of Lands.

(3) Where in the conveyance and alienation of any land under any provision of this Act the right is reserved to Her Majesty to resume that land, section 69 of the *Lands Resumption Act 1957* applies to that right as it applies to a right referred to in subsection (1) of that section.

(4) In its application for the purposes of subsection (3), section 69 of the *Lands Resumption Act 1957* has effect as if—

- (a) the reference therein to the Minister were a reference to the Commissioner; and
- (b) the words “ and having thereon or annexed thereto a plan of the land to be resumed ” were omitted from subsection (1) thereof,

and no compensation is payable under the Act in respect of the exercise of a right to resume land created pursuant to any provision of this Act.

(5) Subject to this Act, any lease granted by the Commissioner under this Act shall be at such rental and shall contain such covenants and conditions and confer such rights as may be determined by the Director of Lands.

(6) Section 70 (2) of the Principal Act applies to the conveyance and alienation pursuant to any of the provisions of this Act of any land not under the *Real Property Act 1862* as it applies to the alienation of land pursuant to that section but nothing in this subsection shall be construed as affecting the operation of that section in relation to the sale of land pursuant to any of those provisions.

(7) The prescribed survey and grant fees shall be paid before any land is conveyed or alienated under this Act.

(8) Any fees payable under the *Real Property Act 1862* in respect of the conveyance or alienation under this Act of land to any person shall be defrayed by that person.

(9) Subject to the foregoing provisions of this Act, any land over which public rights of passage are extinguished pursuant to any of those provisions shall be deemed to be Crown land within the meaning of the Principal Act.

(10) References in any of the Schedules to this Act to a plan or diagram by a number shall be construed as references to the plan or diagram so numbered and filed in the office of the Director of Lands at Hobart.

SCHEDULE I

(Section 2)

TOWN OF LATROBE

All that area of land containing 1 803 square metres commencing at the south-west angle of 3 642 square metres surrendered to the Crown for school purposes on Lewis Street and bounded on the north by 89·17 metres easterly along that land and along other land surrendered to the Crown for school purposes on the east by 20·12 metres southerly along Bradshaw Street on the south by 90·09 metres westerly along 3 510 square metres, 910 square metres, and 900 square metres all surrendered to the Crown for school purposes and thence on the east by 20·12 metres northerly along Lewis Street aforesaid to the point of commencement.

SCHEDULE II

(Section 3)

LAND DISTRICT OF DORSET

PARISH OF SEAFORD

All that area of Crown land containing 3763 square metres or thereabouts contained in Lot 4 386 purchased by R. Z. Poole as the same is shown on Survey Diagram Dorset Volume 6 Folio 35.

SCHEDULE III

(Section 4)

LAND DISTRICT OF DEVON

PARISH OF WILMOT

All that area of Crown land containing 3 533 square metres as the same is shown on Survey Diagram Volume 307 Folio 6.

SCHEDULE IV

(Section 5)

LAND DISTRICT OF WELLINGTON

PARISH OF CALDER

All that area of Meridian Reserve containing 4 224 square metres and contained in Lot 11 742 purchased by J. R. Royle as the same is shown on Survey Diagram Wellington Volume 11 Folio 7.

SCHEDULE V

(Section 6)

TOWN OF DELORAINE

All that area of Crown land containing 5 550 square metres as the same is shown as Lot 1 on Plan 1 814.

SCHEDULE VI

(Section 7)

LAND DISTRICT OF DEVON

PARISH OF ASHWATER

All that area of Crown land containing 3 494 square metres as the same is shown as Lot 1 on Plan 4375.

SCHEDULE VII

(Section 8)

LAND DISTRICT OF MONMOUTH

PARISH OF FORBES

All that area of Crown land containing 1 539 square metres as the same is shown as Lot 1 on Plan 4261.

SCHEDULE VIII

(Section 9)

LAND DISTRICT OF MONMOUTH

PARISH OF FORBES

All that area of Crown land containing 418·6 square metres as the same is shown as Lot 4 on Plan 4 261.

SCHEDULE IX

(Section 10)

TOWN OF GORMANSTON

All that area of Crown land containing 1 011 square metres as the same is shown as Lot 11 Section F on Plan G/25.

SCHEDULE X

(Section 11)

Part I

LAND DISTRICT OF LINCOLN

PARISH OF NIVELLE

All that area of Crown land containing 1·245 hectares as the same is shown as Lot 6 on Plan 3 295.

Part II

LAND DISTRICT OF LINCOLN

PARISH OF NIVELLE

All those areas of land being Lot 1 comprising 1 351 square metres and Lot 2 comprising 1·5 square metres as the same are shown on Plan 2 403 and Lot 3 comprising 9 852 square metres as the same is shown on Plan 2 404.

SCHEDULE XI

(Section 12)

LAND DISTRICT OF WESTMORLAND

PARISH OF OSMASTON

All that area of Crown land containing 19·40 hectares as the same is shown on Plan 3 153.



SAVINGS BANKS

No. 22 of 1974

ANALYSIS

1. Short title and citation.
2. Payment on death of depositor where deposit does not exceed \$3 000.

AN ACT to amend the Savings Banks Act 1848.

[5 June 1974]

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

- 1—**(1) This Act may be cited as the *Savings Banks Act 1974*. Short title and citation.
- (2) The *Savings Banks Act 1848*, as subsequently amended, is in this Act referred to as the Principal Act.

Payment on death of depositor where deposit does not exceed \$3 000.

2 Section 24 of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “one thousand dollars” and substituting therefor “\$3 000”;
- (b) by omitting paragraphs (a) and (b) of subsection (2) and substituting therefor the following paragraphs:—
- “(a) a statutory declaration as to the identity of that person; and
- “(b) an instrument indemnifying the bank against all claims likely to be made against the bank by any other person who may claim to be entitled to that money.”; and
- (c) by adding at the end thereof the following subsection:—
- “(3) Where such a payment as is mentioned in subsection (1) is made the committee of the bank shall cause the Commissioner of Taxes to be notified of the making of the payment within 30 days of its being made.”.

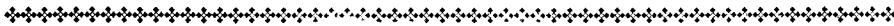


DECEASED PERSONS' ESTATES DUTIES

No. 23 of 1974

ANALYSIS

1. Short title and citation.
2. Prohibition of dealings with estate of deceased person without certificate of Commissioner.



AN ACT to amend the Deceased Persons' Estates Duties Act 1931.

[5 June 1974]

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

1—(1) This Act may be cited as the *Deceased Persons' Estates Duties Act 1974*. Short title and citation.

(2) The *Deceased Persons' Estates Duties Act 1931*, as subsequently amended, is in this Act referred to as the Principal Act.

Prohibition of
dealings with
estate of
deceased person
without
certificate of
Commissioner.

2 Section 31A of the Principal Act is amended by omitting from subsection (3A) all the words in that subsection following the words "not exceeding" and substituting therefor "\$3 000".



STRAITS ISLANDS ABATTOIRS

No. 24 of 1974

ANALYSIS

1. Short title and citation.
2. Advances to boards.
3. Power of Treasurer to borrow \$493 000.

AN ACT to amend the Straits Islands Abattoirs Act 1950.

[5 June 1974]

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

1—(1) This Act may be cited as the *Straits Islands Abattoirs Act 1974*. Short title and citation.

(2) The *Straits Islands Abattoirs Act 1950*, as subsequently amended, is in this Act referred to as the Principal Act.

Advances to
boards.

2 Section 9 of the Principal Act is amended—

(a) by omitting from subsection (1A) (a) “\$343 000” and substituting therefor “\$500 000”; and

(b) by omitting from subsection (2) (a) “\$50 000” and substituting therefor “\$100 000”.

Power of
Treasurer to
borrow.

3 Section 8 of the Principal Act is amended by omitting, “\$493 000”, and substituting therefor, “\$700 000”.



NORTH ESK REGIONAL WATER

—————
 No. 25 of 1974
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ANALYSIS

1. Short title and citation.
2. Interpretation.
3. Extension of water supply.
4. Westbury water district.
5. Consequential amendments of the Principal Act.

AN ACT to enlarge the North Esk Regional Water Supply and to amend the North Esk Regional Water Act 1960.

[5 June 1974]

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

1—(1) This Act may be cited as the *North Esk Regional Water Act 1974*. Short title and citation.

(2) The *North Esk Regional Water Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 In this Act “appointed day” means such day as the Minister may, by order, appoint for the purposes of this Act.

Extension of
water supply.

3—(1) The powers of the Commission under section 8 of the Principal Act to take and divert water are extended to empower the Commission to take and divert water from the South Esk River at any point between Hadspen and the Trevallyn Dam.

(2) The Commission may cause to be carried out the works specified in Schedule II to the Principal Act added to that Act by this Act at a total cost that, together with the total cost of the completion of the other water supply works referred to in that Act, does not exceed \$5 500 000.

Westbury
water district.

4—(1) On the appointed day, the corporation of the municipality of Westbury becomes a municipality within the meaning of the Principal Act, and so much of that municipality as immediately before that day formed, pursuant to section 10 of that Act, part of the water district constituted by the corporation of the municipality of Saint Leonards ceases to form part of that water district.

(2) All water reticulation works that immediately before the appointed day were situated in the municipality of Westbury and vested in the corporation of the municipality of Saint Leonards are on that day, by force of this Act, transferred to and vested in the corporation of the municipality of Westbury; and the works so vested shall be deemed, for the purposes of the Principal Act, to have been provided by that corporation in accordance with section 11 of that Act.

(3) The corporation of the municipality of Westbury shall pay to the corporation of the municipality of Saint Leonards such sums as are sufficient to discharge the liabilities of the latter corporation arising after the appointed day in respect of such loan charges as are properly attributable to the construction of the works transferred to and vested in the corporation of the municipality of Westbury pursuant to subsection (2).

(4) The sums required to be paid under subsection (3) shall be determined by agreement between the corporations referred to therein, or, in default of agreement, by arbitration.

(5) Notwithstanding anything in the Principal Act, if at any time the Commission considers it necessary so to do to enable an adequate supply of water to be maintained in a water district within

the municipality of Saint Leonards or the municipality of Westbury, it may give directions to the corporation of either of those municipalities with respect to the flow, from works vested in it to the water reticulation works in the water district of the other of those municipalities, of water supplied by the Commission under the Principal Act; and the corporation shall comply with those directions.

5—(1) The Principal Act is amended as specified in Part I of the Schedule and the Schedule set forth in Part II of that Schedule is added to the Principal Act as Schedule II to that Act. Consequential amendments of the Principal Act.

(2) On the appointed day the Principal Act is amended as specified in Part III of the Schedule.

SCHEDULE

(Section 5)

Amendments to Principal Act

PART I

Enlargement of water supply scheme

1. Section 3 is amended—
 - (a) by omitting from the definition of “the North Esk Regional Water Supply” the words “and specified in the schedule” and substituting therefor the words “or any subsequent Act and specified in Schedule I and Schedule II”; and
 - (b) by omitting from the definition of “the water supply works” the words “the schedule” and substituting therefor the words “Schedule I or Schedule II”.
2. Section 7 is amended by omitting the words “four million five hundred thousand dollars” and substituting therefor “\$5 500 000”.
3. Section 8 is amended by adding at the end thereof the words “and from the South Esk River at any point between Hadspen and the Trevallyn Dam.”.
4. After section 8A the following section is inserted:—

“8B In respect of water taken by the Commission from the South Esk River the Commission shall, on demand being made by the Hydro-Electric Commission, pay to that Commission such sums as may be agreed between the Commission and the Hydro-Electric Commission or as determined by order of the Governor.”.

Payments to Hydro-Electric Commission.
5. The Schedule is amended by omitting the words “THE SCHEDULE” and substituting therefor the words “SCHEDULE I”.

PART II

New works

“ SCHEDULE II

(Section 3)

ADDITIONAL WORKS

A pump station on the bank of the South Esk River and the works required to convey water therefrom to a reservoir near Hadspen.

The works required to convey water from that reservoir to a reservoir at Prospect Vale.”.

PART III

Westbury Water District

1. Section 3 is amended by omitting from the definition of “ municipality ” the word “ and ” and adding after the words “ Saint Leonards ” the words “, and the corporation of Westbury ”.

2. Section 10 is amended—

(a) by omitting from subsection (1) the words “ municipalities of Evandale and Westbury ” and substituting therefor the words “ municipality of Evandale ”; and

(b) by omitting from subsection (3) the words “ and Lilydale ” and substituting therefor the words “ Lilydale, and Westbury ”.

3. Section 42 is amended by adding at the end thereof “, and the South Esk River for a distance of 4 kilometres above any intake that the Commission may construct pursuant to this Act.”.



PUBLIC WORKS COMMITTEE

No. 26 of 1974

ANALYSIS

1. Short title and citation.
2. Functions of Committee.
3. Conditions precedent to commencing public works.
4. Power of House of Assembly to extend Act.



AN ACT to amend the Public Works Committee Act 1914.

[16 May 1974]

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

1—(1) This Act may be cited as the *Public Works Committee Act 1974*. Short title and citation.

(2) The *Public Works Committee Act 1914*, as subsequently amended, is in this Act referred to as the Principal Act.

Functions of
Committee.

2 Section 15 of the Principal Act is amended by omitting from subsection (1) the words "two hundred thousand dollars" and substituting therefor "\$350 000".

Conditions
precedent to
commencing
public works.

3 Section 16 of the Principal Act is amended by omitting from subsection (1) the words "two hundred thousand dollars" and substituting therefor "\$350 000".

Power of
House of
Assembly to
extend Act.

4 Section 17 of the Principal Act is amended by omitting from that section the words "two hundred thousand dollars" and substituting therefor "\$350 000".



GOVERNOR'S SALARY

No. 27 of 1974

ANALYSIS

1. Short title and citation.
2. Governor's salary.
3. Salary of administrator.

AN ACT to amend the Governor's Salary Act 1951.

[Reserved 16 May 1974

Royal Assent Proclaimed 24 July 1974]

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

1—(1) This Act may be cited as the *Governor's Salary Act* Short title and citation. 1974.

(2) The *Governor's Salary Act* 1951, as subsequently amended, is in this Act referred to as the Principal Act.

Governor's
Salary.

2—(1) Section two of the Principal Act is amended by omitting the words “fifteen thousand dollars” and substituting therefor the amount “\$25 000”.

(2) This section shall be deemed to have commenced on 5th December 1973.

Salary of
administrator.

3 Section five of the Principal Act is amended by omitting from subsection (1) thereof the words “seven thousand dollars” and substituting therefor the amount “\$12 000”.



ARCHITECTS

No. 28 of 1974

ANALYSIS

1. Short title and citation.
2. Qualifications for registration.

AN ACT to amend the Architects Act 1929.

[5 June 1974]

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

1—(1) This Act may be cited as the *Architects Act 1974*.

Short title and
citation.

(2) The *Architects Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act.

Qualifications
for
registration.

2 Section 13 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Without prejudice to the provisions of subsection (1), any person who is in the opinion of the Board, by reason of his ability and competence in the field of architecture whether an employee of the Crown or otherwise, a person whom it is proper to register is entitled to registration as an architect under this Act.”.



**MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION)
(TEMPORARY PROVISIONS)**

No. 29 of 1974

ANALYSIS

1. Short title and citation.
2. Interpretation.
3. Relief of third party insurers from certain liabilities.
4. Limitation of period of operation of Principal Act.

AN ACT to make provision for the transference to the Motor Accidents Insurance Board of certain rights, liabilities, and obligations arising under policies of insurance issued for the purposes of Part VII of the Traffic Act 1925; to limit the operation of that Act to a certain period; and to make provision for matters consequential and incidental thereto.

[5 June 1974]

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

1—(1) This Act may be cited as the *Motor Accidents (Liabilities and Compensation) (Temporary Provisions) Act 1974*.

Short title and citation.

(2) The *Motor Accidents (Liabilities and Compensation) Act 1973* is in this Act referred to as the Principal Act.

Interpretation.

2 Words and expressions used in this Act have, unless the contrary intention appears, the same meanings as they have for the purposes of the Principal Act.

Relief of
third party
insurers from
certain
liabilities.

3—(1) Notwithstanding anything in the *Traffic Act 1925*, in respect of accidents occurring on or after 1st October 1974, the Board has, to the exclusion of the insurer, all the rights, obligations, and liabilities of that insurer under policies of insurance issued for the purposes of Part VII of the *Traffic Act 1925*; and, accordingly, those policies and those Acts have effect as if the Board were the insurer under those policies.

(2) Where, on 1st October, there is in force such a policy as is referred to in subsection (1) there becomes payable to the Board by the insurer a sum calculated in such manner as may be prescribed by reference to the amount of the premium paid in respect of the policy and the length of the period commencing on that day during which the policy would remain in force, assuming it is not cancelled, avoided or surrendered.

(3) All premiums paid in respect of such policies as are referred to in subsection (1) that are issued by an insurer on or after 1st October 1974 shall be deemed to have been received on behalf of the Board and shall, accordingly be paid over to the Board.

Limitation of
period of
operation of
Principal Act.

4—(1) The Principal Act has effect subject to this section; and, for the purposes of this section, the “operative period” means the period of three years commencing on the appointed day.

(2) The Board is not bound, and is not empowered, under the Principal Act to indemnify any person in respect of any liability arising from an accident that occurs after the expiration of the operative period, and no scheduled benefits are payable in respect of the death of, or any bodily injury suffered by, a person as the result of such an accident.

(3) Section 29 of the Principal Act ceases to have effect at the expiration of the operative period; but where, during that period, a premium becomes payable to afford cover in respect of a motor vehicle the amount of that premium and the period for which the cover is required to be afforded shall be determined as if this section had not been enacted.

(4) Where a premium has been paid in respect of a motor vehicle to afford cover for a period extending beyond the end of the operative period there shall be refunded to the registered owner of that vehicle, or to such other person as may be prescribed, a sum of an amount that bears the same proportion to the amount of that premium as the length of so much of the period for which the cover was afforded as extends beyond the end of the operative period bears to the whole length of the period for which the cover was afforded; and section 33 of the Principal Act applies to refunds made under this subsection as it applies to the refunds referred to in that section.

(5) During the operative period the Premiums Board shall exercise its functions as if this section had not been enacted, but it is not, under section 11 (2) of the Principal Act, required to submit any report or recommendations to the Minister during any period following the expiration of the operative period.

(6) Sections 21 and 22 of the Principal Act do not apply to any accident that occurs after the end of the operative period.

(7) After the end of the operative period the Acts amended by virtue of section 35 of the Principal Act have effect as if they had not been so amended.



TRAFFIC (METRIC CONVERSION)

No. 30 of 1974

ANALYSIS

- 1. Short title, citation, and commencement.
- 2. Metric substitutions.



AN ACT to amend the Traffic Act 1925.

[5 June 1974]

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

1—(1) This Act may be cited as the *Traffic (Metric Conversion) Act 1974*. Short title, citation, and commencement.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Metric
substitutions.

2 Each provision of the Principal Act specified in the first column of the Schedule is amended by omitting therefrom, wherever they occur, the words set out against that provision in the second column of that Schedule and substituting for those words the words so set out in the third column.

THE SCHEDULE

(Section 2)

| Provision | Omission | Substitution |
|---|---|---|
| Section 10 (1) (<i>r</i>) | weight | mass |
| Section 10 (1) (<i>ra</i>) | weight | mass |
| Section 18 (1) | ten cents per ton for each mile | 6 cents per tonne for each kilometre |
| Section 20A (2) | milage | distance |
| Section 20A (3) (<i>b</i>) | one-half of a cent per passenger that the vehicle is licensed to carry for each mile | 0.3 cents per passenger the vehicle is licensed to carry for each kilometre |
| Section 20A (4) | milage | distance |
| Section 20A (4) (<i>b</i>) | two-fifths of a cent per hundredweight or part thereof of the weight of the vehicle unladen for each mile | 0.25 cents per 50 kilograms or part thereof of the mass of the vehicle unladen for each kilometre |
| The definition of "passenger-carrying vehicle" in section 20A (8) | fifty-six pounds in weight | a mass of 25 kilograms |
| Section 20A (9) | weight | mass |
| Section 20B (1) | twenty miles | 30 kilometres |
| Section 30 (1) (<i>k</i>) | weight | mass |
| Section 30 (1) (<i>n</i>) | weight | mass |
| Section 31 (1) (<i>q</i>) | weights | masses |
| Section 31 (1) (<i>w</i>) | weight | mass |
| Section 31 (1) (<i>z</i>) (i) | weight | mass |
| Section 31 (1) (<i>z</i>) (ii) | the load or weight borne | the mass supported |
| Section 31 (1) (<i>z</i>) (iii) | weight | mass |
| Section 31 (1) (<i>zd</i>) | weight | mass |
| Section 31 (1) (<i>ze</i>) | weight | mass |
| Section 31 (1) (<i>ze</i>) | weights | masses |
| Section 31 (2) (<i>b</i>) | weight | mass |

| Provision | Omission | Substitution |
|---|------------------------------|------------------------------|
| Section 31 (2) (c) Section 31 (4) Section 43E (5) | weight weight one mile | mass mass 2 kilometres |
| The fifth schedule— Part III— Item 1 (a) | 10 miles | 15 kilometres |



MOTOR VEHICLES TAX (METRIC CONVERSION)

No. 31 of 1974

ANALYSIS

1. Short title, citation, and commencement.
2. Interpretation.
3. Metric substitutions.



AN ACT to amend the Motor Vehicles Tax Act 1917.

[5 June 1974]

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

1—(1) This Act may be cited as the *Motor Vehicles Tax (Metric Conversion) Act 1974*. Short title, citation, and commencement.

(2) The *Motor Vehicles Tax Act 1917*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2 Section 3 of the Principal Act is amended by omitting the definition of “weight” and by inserting, after the definition of “lorry”, the following definition:—

“ ‘mass’, when used in relation to a vehicle, means the mass of that vehicle, including the oil, fuel, buffers, spare wheels or rims, tools, and other accessories with which the vehicle is supplied or equipped or which are usually carried therein or thereon, but not including any passengers or load;”.

Metric substitutions.

3 The Principal Act is amended as specified in the Schedule.

THE SCHEDULE

(Section 3)

PART I

Each provision of the Principal Act specified in the first column of this Part of this Schedule is amended by omitting therefrom, wherever they occur, the words set out against that provision in the second column and substituting for those words the words so set out in the third column.

| Provision | Omission | Substitution |
|---|--|--|
| section 8 (2) (b) | weight | mass |
| section 12 (1) (a) | horsepower | number of power units |
| section 12 (1) (b) | weigh horsepower | measure the mass of number of power units |
| section 12 (2) | weight horsepower (first occurring) such horsepower | mass number of power units that number |
| The scales and rates of taxes in the Schedule— | | |
| Motor vehicles other than motor cycles and trailers | power weight weight two tons three tons | power-mass mass 2·032 tonnes 3·048 tonnes |
| Trailers | weight | mass |
| Motor cycles | horsepower | power unit |

PART II

The Schedule to the Principal Act is amended by omitting paragraphs (a) to (e) inclusive under the heading "Taxes on Motor Vehicles" and substituting therefor the following:—

- “(a) every 50·8023 kilograms of the mass of a vehicle, other than a lorry or trailer, and every 25·4011 kilograms of the mass of a lorry or trailer, shall be deemed to constitute one mass unit;
- “(b) in calculating the mass units of a vehicle, any fractional part not exceeding one-half of a mass unit shall be disregarded and any fractional part exceeding one-half of a mass unit shall be deemed to constitute an additional mass unit;
- “(c) the power units of a motor vehicle propelled by means of an internal combustion engine shall be determined by squaring the measurement in millimetres of the internal diameter of the cylinders of the engine, multiplying the number so found by the number of cylinders, and dividing the result by 1 613;
- “(d) in determining the power units referred to in paragraph (c), any fractional part not exceeding one-half of a power unit shall be disregarded, and any fractional part exceeding one-half of a power unit shall be deemed to constitute an additional power unit; and
- “(e) the number of power-mass units of a motor vehicle propelled by means of an internal combustion engine shall be the sum of the number of mass units and the number of power units.”.

RETIREMENT BENEFITS ACT 1974

ANALYSIS

- | | |
|--|--|
| <ol style="list-style-type: none">1. Short title and citation.2. Interpretation.3. Retirement under <i>State Employees (Long-Service Leave) Act 1950</i>.4. Exclusion of <i>Superannuation Act 1938</i> in certain cases.5. Obligation of employees to contribute to Fund.6. Commencement and cessation of contributions.7. Rates, &c., of contributions.8. Certain information to be supplied by departments &c. | <ol style="list-style-type: none">9. Interpretation of Division IA. Further right to elect to contribute to the Fund. Calculation of past service in certain cases. Employees dying, retiring, &c., before election takes effect. Certain information to be supplied by departments.10. Transfer of assets from the Superannuation Fund to the Fund as a consequence of further elections.11. Revocation of elections. |
|--|--|



RETIREMENT BENEFITS

No. 32 of 1974

AN ACT to amend the Retirement Benefits Act 1970 and to make provision for the revocation of certain elections made thereunder.

[28 June 1974]

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

1—(1) This Act may be cited as the *Retirement Benefits Act* Short title and citation. 1974.

(2) The *Retirement Benefits Act* 1970, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section 2 of the Principal Act is amended by inserting in the definition of “ transferred contributor ” in subsection (1), after the word “ forty-six ”, the words “ or a person to whom Division IA of that Part applies who has made an election under section 48B ”.

3 After section 2 of the Principal Act the following section is inserted:—

Retirement
under *State*
Employees
(Long-Service
Leave) Act
1950.

“ 2A—(1) This section applies in the case of an employee who is deemed, by virtue of subsection (3B) of section 8 of the *State Employees (Long-Service Leave) Act 1950*, to have retired at the commencement of a period referred to in that subsection.

“(2) If the period referred to in subsection (1) commences on or before 1st July 1979 the employee shall be deemed, for the purposes of this Act, to have elected to retire at the commencement of that period and, accordingly, his service as an employee shall be deemed to have then terminated and his long service leave payment shall not be regarded as part of his salary.

“(3) If the period referred to in subsection (1) commences after 1st July 1979 the employee shall, for the purposes of this Act, be deemed to continue as an employee until the end of that period, or his earlier death, and, unless he dies during that period, to have retired at the end thereof.

“(4) For the purposes of this Act the long service leave payment of an employee to whom subsection (3) applies shall be treated as his salary for the period referred to therein if he is living at the end of the period, and, if he dies during that period, a proportionate part of that payment shall be treated as his salary for the portion of that period that had elapsed before his death.

“(5) References in this section, in relation to an employee, to a long service leave payment shall be construed as references to an allowance or other payment to which he becomes entitled under the *State Employees (Long-Service Leave) Act 1950* on his retirement in accordance with section 8 of that Act.”

Exclusion of
Superannuation
Act 1938 in
certain cases.

4 Section 3 of the Principal Act is amended by inserting in paragraph (b), after the word “ forty-six ”, the words “ or section 48B ”.

Obligation of
employees to
contribute to
Fund.

5 Section 21 of the Principal Act is amended by omitting from subsection (1) (a) (ii) the word “ or ” and substituting therefor the following sub-paragraph:—

“(iia) being a person to whom Division IA of Part VI applies, has made an election under section 48B, not being a person who immediately before that election takes effect is in receipt of or entitled to a pension under the *Superannuation Act 1938*; or”.

6 Section 23 of the Principal Act is amended—

Commencement
and cessation of
contributions.

- (a) by omitting from subsection (1) (a) the words “first pay-day following the appointed day” and substituting therefor the words “appropriate pay-day in his case”; and
(b) by inserting after subsection (1) the following subsection:—

“(1A) For the purposes of subsection (1) (a) the appropriate pay-day is—

- (a) in the case of an employee who is a transferred contributor otherwise than by virtue of an election under section 48B, the first pay-day following the appointed day;
(b) in the case of an employee who is a transferred contributor by virtue of an election under section 48B, the pay-day falling on 1st January 1975 or, if he does not have a pay-day falling on that day, the first pay-day thereafter.”.

7 Section 25 of the Principal Act is amended—

Rates &c., of
contributions.

- (a) by omitting from subsection (1) (a) the words “appointed day” and substituting therefor “appropriate day in his case”; and

- (b) by inserting after subsection (1) the following subsection:—

“(1A) For the purposes of subsection (1) (a) the appropriate day is—

- (a) in the case of a person who is a transferred contributor otherwise than by virtue of an election under section 48B, the appointed day; and
(b) in the case of a person who is a transferred contributor by virtue of an election under section 48B, 1st January 1975.”.

8 Section 48 of the Principal Act is amended by adding at the end thereof the following subsection:—

Certain
information to
be supplied by
departments,
&c.

“(3) Nothing in this section shall be construed as preventing the Board from receiving from any other source information in relation to any of the matters referred to in subsection (1) of this

section, and if that information is verified by statutory declaration the Board is entitled to treat that declaration as conclusive evidence of the matters to which it relates.”.

9 After Division I of Part VI of the Principal Act the following Division is inserted:—

“ *Division IA—Further right of contributors, &c., under the Superannuation Act 1938 to elect to contribute to the Fund.*

Interpretation
of Division IA.

“ 48A In this Division, ‘ person to whom this Division applies ’ means a person—

(a) who, at the commencement of the *Retirement Benefits Act 1974*, is a contributor within the meaning of the *Superannuation Act 1938*; or

(b) who, not being a person referred to in paragraph (a)—

(i) becomes, after the appointed day but before 1st ~~pp~~ ¹⁰October 1974, eligible to receive an invalidity pension under the *Superannuation Act 1938*; and

(ii) is subsequently reappointed in a permanent capacity to a position in the service of the State or of an authority of the State.

Further right
to elect to
contribute to
the Fund.

“ 48B—(1) A person to whom this Division applies may notify the Board in writing that he elects to contribute to the Fund.

“(2) A notification referred to in subsection (1) shall be given to the Board—

(a) in the case of a person to whom section 48A (a) relates, within the period commencing on the commencement of the *Retirement Benefits Act 1974* and ending on the 30th September 1974; or

(b) in the case of a person to whom section 48A (b) relates, within the period of three months after the day on which his reappointment takes effect.

“(3) An election notified to the Board under subsection (1) shall be deemed to have been made and to have effect—

(a) at the expiration of a period of three months beginning on the day on which it was so notified; or

(b) on the 1st January 1975,

whichever is the later.

“(4) Subsections (3), (4), (5), (6), (7), and (8) of section 46 apply and have effect in relation to a person to whom this Division applies as if—

- (a) references in those provisions to a person to whom Division I applies were references to a person to whom this Division applies;
- (b) references in those provisions to that section, or subsection (1), or subsection (2) thereof, were references respectively to this section, subsection (1) thereof, and subsection (2) thereof; and
- (c) references in those provisions to the appointed day were references to the commencement of the *Retirement Benefits Act 1974*.

“48C—(1) Where an election is made under section 48B and the person who made the election is, at the time the election takes effect, contributing to the Superannuation Fund for less than his maximum unit entitlement or has at any previous time been contributing thereto for less than his maximum unit entitlement, this Act has effect in relation to any pension payable thereunder to or in respect of him as if the length of his service as an employee before 1st January 1975 were a period ascertained in accordance with the prescribed formula referred to in section 47.

Calculation of past service in certain cases.

“(2) For the purposes of its application to this section, section 47 has effect as if the references therein to the appointed day were references to 1st January 1975.

“48D Subject to the foregoing provisions of this Division, where before an election notified to the Board under section 48B takes effect a pension becomes payable under the *Superannuation Act 1938* to or in respect of the person by whom it was made and, by virtue of section 3 (b), that pension ceases to become payable, such pensions shall, in respect of any period thereafter, be paid to or in respect of him as would have been payable if he had been a contributor under this Act.

Employees dying, retiring, &c., before election takes effect.

“48E Section 48 has effect in relation to a person to whom this Division applies who has made an election under section 48B as it has effect in relation to a person to whom Division I applies who has made an election under section 46.”

Certain information to be supplied by departments.

10 After section 61 of the Principal Act the following section is inserted in Part VII of that Act:—

“61A—(1) As soon as possible after 30th September 1974, the Actuary shall determine the value of assets that are to be transferred to the Fund from the Superannuation Fund on 1st January 1975 as a consequence of the elections notified to the Board under section 48B on or before the former day.

Transfer of assets from the Superannuation Fund to the Fund as a consequence of further elections.

“(2) In making the determination for the purposes of this section the Actuary shall have regard to actuarial principles and practice and shall take into account all relevant matters.

“(3) On making a determination under this section, the Actuary shall notify the Superannuation Board thereof, in writing, and shall specify the sum that, by virtue of the determination, is payable to the Board.

“(4) As soon as practicable after receipt of a notification under subsection (3), the Superannuation Board with the approval of the Treasurer, shall pay to the Board to the credit of the Fund the sum specified in the notification.

“(5) With the approval of the Treasurer given on the recommendation of the Actuary, the Superannuation Board may, in lieu of paying the whole of the sum referred to in subsection (4) in cash, pay part of that sum in cash and transfer to the Board or if the Board so requests it, to the Trust, securities held by the Superannuation Board and having a book value equal to the balance of that sum.

“(6) Where the whole of the sum referred to in subsection (4) is not paid to the Board on or before 31st December 1974 the Superannuation Board shall pay to the Board compound interest on so much of that sum as remains unpaid calculated from that day with monthly rests at such rate as the Treasurer may determine.”.

Revocation of elections.

11—(1) A person who has made an election under section 46 of the Principal Act may, not later than 30th September 1974, by notice in writing to the Board, revoke that election.

(2) Where a person referred to in subsection (1) has died, the right of revocation conferred by that section may be exercised by, if that person leaves a widow surviving, that widow, or, in any other case, the legal personal representative of that person.

(3) Where an election is revoked under this section the relevant legislation, subject to any directions given under subsection (4), shall have effect and be deemed always to have had effect as if the election had not been made.

(4) On the revocation of an election under subsection (1) the Treasurer, acting on the advice of the Actuary, shall give such directions as he considers necessary or desirable in consequence of that revocation with respect to all or any of the following matters, that is to say:—

(a) The financial adjustments to be made between the Superannuation Fund and the Retirement Benefits Fund;

- (b) The payments to be made to either of those funds out of the Consolidated Revenue or by any authority of the State; and
- (c) The contributions to be paid to either of those funds by the person by whom the election was made, and the benefits payable out of either of those funds to or in respect of that person,

and the relevant legislation has effect subject to any such directions.

(5) Where by virtue of this section or any direction given thereunder a person becomes liable, in respect of any period before the revocation of his election, to make contributions payable into the Superannuation Fund he shall, before 1st January 1975 or such later day as the Superannuation Fund Board may determine, pay those contributions to the Superannuation Fund Board in a lump sum or in such other manner as may be arranged by him with the Board.

(6) Where under subsection (4) of this section the Treasurer directs any sum to be paid out of the Consolidated Revenue, that revenue is to the necessary extent appropriated accordingly.

(7) In this section, "relevant legislation" means the Principal Act, the *Superannuation Act 1938*, and any Act amended or affected by either of those Acts.

**LENDING OF MONEY**

No. 33 of 1974

ANALYSIS

1. Short title, citation, and commencement.
2. In proceedings for money lent, court may reopen transactions.
3. Penalty for lending money at excessive rates of interest.
4. Special provisions as to certain loans to corporations.
5. Commission, &c., on loans not to exceed 2½ per cent.
6. Expiry of sections 3 and 4.

AN ACT to amend the Lending of Money Act 1915.**[21 June 1974]**

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

- 1—**(1) This Act may be cited as the *Lending of Money Act 1974*. Short title, citation, and commencement.
- (2) The *Lending of Money Act 1915*, as subsequently amended, is in this Act referred to as the Principal Act.
- (3) Section 5 of this Act shall be deemed to have commenced on 14th February 1966.

In proceedings for money lent, court may reopen transactions.

2 Section 2 of the Principal Act is amended by omitting from subsection (2) (e) the word “ may ”.

Penalty for lending money at excessive rates of interest.

3 Section 4 (1) of the Principal Act is amended by omitting paragraph (a) and substituting therefor the following paragraph:—

† “(a) at simple interest at a higher rate than—

(i) 20 per cent per annum, where the moneys lent or agreed to be lent do not exceed \$50;

(ii) 17½ per cent per annum, where the moneys lent or agreed to be lent exceed \$50 but do not exceed \$100; or

L † (iii) 15 per cent per annum, where the moneys lent or agreed to be lent exceed \$100;”.

Special provisions as to certain loans to corporations.

4 Section 4A (2) of the Principal Act is amended by omitting therefrom the word “ fifteen ” and substituting therefor the numeral “ 20 ”.

Commission, &c., on loans not to exceed 2½ per cent.

5 Section 6 of the Principal Act is amended by omitting therefrom the words “ two pounds ten shillings ” and substituting therefor the numeral “ 2½ ”.

Expiry of sections 3 and 4.

6 On 1st July 1975, the Principal Act has effect as if it had not been amended by sections 3 and 4 of this Act, except that in relation to any loan made before that date the Principal Act has effect as if this section had not been enacted.