

TASMANIA.

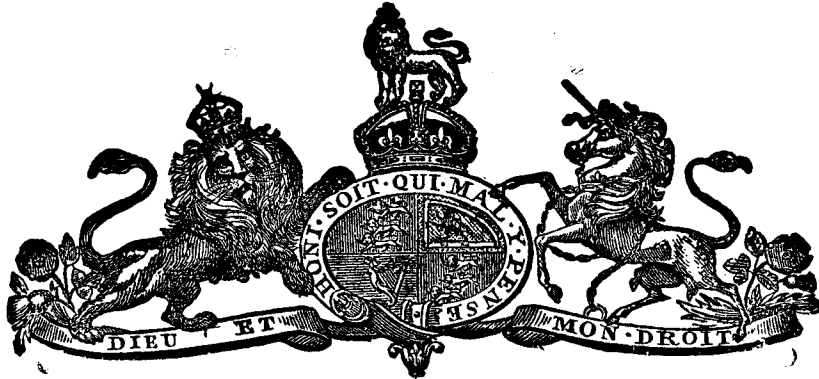
 THE ADVANCES TO ORCHARDISTS ACT,
 1926.

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TASMANIA



1926.

ANNO SEPTIMO DECIMO

GEORGII V. REGIS.

No. 36.

AN ACT to authorise the Making of Advances ^{A.D.} 1926.
to certain Orchardists. [7 December, 1926.]

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

1 This Act may be cited as “The Advances to Orchardists Act, Short title. 1926.”

2 In this Act—

Interpretation.

“Bank” means the Agricultural Bank of Tasmania, established under the State Advances Act, 1907. ^{7 Ed. VII. No. 20.}

“Board” means the Board constituted under this Act :

“Borrower” means an orchardist to whom an advance has been made under this Act :

“Chairman” means the Chairman of the Board :

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“Cultivate,” when used with reference to an orchard, means the doing and supplying of all things necessary or expedient for ensuring the production from such orchard of a satisfactory crop of marketable fruit :

“Fruit ” means apples and pears or either of them :

“The said Fund ” means the Advances to Orchardists Fund referred to in Section Four of this Act :

“Minister ” means the Minister for Agriculture :

“Orchardist ” means a grower of fruit :

“Season ” means the period elapsing between the first day of February in any year and the thirty-first day of January in the immediately succeeding year.

Authority to borrow £25,000, without interest, from Commonwealth.
9 Geo. V. No. 8.

3—(1) It shall be lawful for the Treasurer of the State to raise, borrow, and receive from the Commonwealth, under the provisions of the State Securities Act, 1918 (hereinafter called “the said Act”), or in such other manner, and upon such terms as shall be mutually agreed upon between the Treasurer of the Commonwealth and the Treasurer of the State, a sum not exceeding Twenty-five thousand Pounds for the purposes of this Act : Provided, however, that the sum to be so borrowed shall be repayable not later than at the expiration of five years from the time of such borrowing, and that no interest shall be payable in respect of the borrowing thereof.

Authority to borrow further £25,000.

(2) It shall be lawful for the Treasurer of the State to raise, borrow, and receive, under the provisions of the said Act, a further sum of Twenty-five thousand Pounds for the purposes of this Act.

Advances to Orchardist Fund.

4 All moneys raised and received under Section Three of this Act shall be paid into the Treasury to the credit of an account to be there kept for that purpose, and to be called “The Advances to Orchardists Fund.”

The Advances to Orchardists Advisory Board.

5—(1) For the purposes of this Act there shall be constituted a Board of five members to be called “The Advances to Orchardists Advisory Board.”

(2) The Manager of the Bank shall, *ex officio*, be a member of the Board and the Chairman thereof.

(3) Each of the four other members of the Board shall be appointed by the Governor.

Chairman.

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

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

Quorum.

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

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

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(5) If the Chairman is absent from any meeting of the Board at the time appointed for the holding thereof, one of the members present shall preside, and shall have a deliberative vote only. A.D. 1926.

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

7 For the purpose of carrying out the powers, duties, and functions conferred or imposed upon it by this Act, the Board may, with the approval of the Minister, make use of the services of any of the officers or employees of the Bank. Board may make use of services of officers of the Agricultural Bank.

8 The Governor may appoint an officer of the Bank to be Secretary to the Board. Secretary to Board.

9—(1) Every member of the Board shall be entitled to be paid out of the said Fund such sum as shall be necessary to pay the travelling expenses reasonably incurred by him in carrying out his duties as such member. Expenses.

(2) All other out-of-pocket expenses properly incurred by the Board shall be paid out of the said Fund.

(3) The total amount to be paid under this section shall not exceed the sum of Two hundred and fifty Pounds.

10—(1) Any orchardist who—

i. During the season last ended shipped, or caused to be shipped, for sale in England, the fruit produced by him in such season, or portion of such fruit : and

ii In consequence of the abnormal condition of the English fruit market during such season, sustained such pecuniary loss, or has become so financially embarrassed as to be unable to remain on and properly cultivate his orchard for the production of his fruit crop for the next ensuing season—

may make an application for an advance out of the said Fund to enable him to remain on and cultivate his orchard for the purpose aforesaid.

(2) Every application for an advance under this Act may be in the prescribed form, and shall in the first place be made to the Board, and shall be signed by the applicant.

11 The Board shall, as soon as practicable after the commencement of this Act, invite applications for advances by advertisement in one or more newspapers circulating in each locality or district in which orcharding is carried on, and shall, in such advertisement, fix a time, not being less than fourteen nor more than twenty-one days after the date of the advertisement, within which such applications shall be delivered to the Board. Board to invite applications by advertisement.

12 The Board shall consider every application received by it, and shall investigate the circumstances of the applicant and the grounds of his application, and if it approves the application the Board may make a recommendation to the Minister that the same be granted. Any Board to consider applications and may make recommendations to the Minister.

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uch recommendation may be in respect of the whole or any part of the sum applied for, but no recommendation shall be made for the advance to any applicant of a sum exceeding Two hundred Pounds.

Minister may make advances.

13 The Minister may, out of the said Fund, make such advances to applicants as the Board shall recommend: Provided, however, that no such advance shall be made by the Minister to an applicant unless and until such applicant has given to the Minister such security or undertaking as the Board shall approve for repayment by or on behalf of the applicant to the Minister of the amount of such advance, out of the proceeds of the sale of the fruit to be produced by the applicant during the four seasons immediately following the next ensuing season, such repayment to be made in four instalments each of twenty-five per centum of the amount of the advance, one of such instalments to be paid in each of the four seasons aforesaid.

Advances to be used for cultivating orchards.

14 Every borrower shall expend the advance made to him under this Act for the purpose of enabling him to remain on and cultivate his orchard for the production of his fruit crop for the next ensuing season.

Claims for payment of advances.

15 All claims on the Treasury for payment of advances under this Act shall be certified to by the Chairman.

Minister may recover unpaid instalments.

16 All advances under this Act shall be repayable to the Minister by instalments at the times and in the manner mentioned in Section Thirteen of this Act, and, if any instalment in respect of any such advance, or any part of such instalment, is not paid to the Minister by or on behalf of the borrower at the time and in the manner so mentioned, the same may be recovered by the Minister from the borrower, in any court of competent jurisdiction.

Minister may recover advances from borrowers who have ceased to be orchardists.

17 If any borrower shall fail to comply with any of the provisions of this Act, or shall cease at any time to carry on orcharding operations in Tasmania, the amount of the advance made to him by the Minister, or such portion thereof as shall not then have been repaid to the Minister, shall become due and payable by the borrower to the Minister on demand, and the same may be recovered by the Minister from the borrower in any court of competent jurisdiction.

Borrower may pay off advance at any time.

18 Any borrower may at any time repay to the Minister the whole or any part of the advance made to him by the Minister.

Loans redemption account to be opened in Treasury.

19—(1) The Minister shall pay all moneys received by him from a borrower under the provisions of this Act into the Treasury, to the credit of an account to be kept there for that purpose, and to be called "The Advances to Orchardists Loans Redemption Account."

Application of moneys to credit of account.

(2) The moneys standing to the credit of the lastmentioned Account shall be applied by the Treasurer in or towards redemption of the loans raised by him for the purposes of this Act.

Advances to Orchardists.

20 The Board may, in relation to any of the matters dealt with in this Act, by notice in writing, require any person—

- i. To furnish the Board with such information, either verbally or in writing, as the Board may require: and
- ii. To produce all such books, documents, and other papers whatsoever in his custody or under his control.

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Board may obtain information and production of documents.

21 Any person who, without just cause shown by him—

- i. Fails or neglects to furnish the Board with any information as and when required by the Board: or
- ii. Refuses or neglects to produce any book, document, or paper required of him by the Board—

Penalty for failure to give information.

shall be liable to a penalty of Fifty Pounds.

22 The Governor may make regulations prescribing all matters which are necessary or convenient to be prescribed, for giving effect to this Act.

Regulations.

