

- (k) regulating the procedure relating to the making, hearing, and determination of appeals to a police magistrate under sections nine, fourteen, and twenty-two; and
- (l) imposing penalties, not exceeding twenty pounds, in respect of any breach of any such regulation.
- (2) In this section "commodity" means any stock medicine, fertiliser, or pesticide.

---

THE SCHEDULE.

(Section 2.)

ACTS REPEALED.

Regnal Year and Number of Act.	Short Title of Act.
1 Edw. VIII. and 1 Geo. VI. No. 45	<i>The Stock Medicines, Fertilisers, and Pesticides Act 1936</i>
3 & 4 Geo. VI. No. 45	<i>The Stock Medicines, Fertilisers, and Pesticides Act 1939</i>

---

GRAIN RESERVE.

No. 44 of 1950.

AN ACT to provide for the Establishment of Reserves of Grain and for their Distribution; for the public Storage of Grain; and for other Matters connected therewith. [16 November, 1950.]

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 *Grain Reserve Act 1950*. Short title.
- 2 In this Act unless the contrary intention appears— Interpretation.  
 "Manager" means the Manager of the organisation appointed under this Act;  
 "organisation" means the Tasmanian Grain Elevators established under this Act.

## PART II.

## THE ORGANISATION.

The organ-  
isation.

**3**—(1) There shall be an organisation, to be called the Tasmanian Grain Elevators, for the purposes of acquiring and storing grain for sale in times of scarcity and for the other purposes of this Act.

(2) The organisation shall be under the control and management of an officer, to be called the Manager of the Tasmanian Grain Elevators, who shall be appointed by the Governor to hold office for such term and subject to such conditions as the Governor thinks fit and with such remuneration as is fixed by the Governor.

Staff.

**4**—(1) The Governor may appoint to the staff of the organisation such officers and employees as he thinks necessary for the purposes of this Act.

(2) Except as provided by subsection (3) of this section, no person appointed to the staff of the organisation shall be subject to the provisions of the *Public Service Act 1923\**, but if any person who is an officer within the meaning of that Act is appointed to the staff of the organisation he shall retain all his existing and accruing rights as if his service on the staff of the organisation were service as an officer of the Public Service.

(3) Notwithstanding the provisions of subsection (2) of this section, if at any time he considers it necessary or desirable so to do, the Governor may, in accordance with the provisions of subsection (2) of section five of the *Public Service Act 1923\**, by proclamation declare that the provisions, or any specified provisions, of that Act shall apply to all or any of the officers and employees of the organisation, and thereupon the officers or employees to whom the proclamation relates shall, while the proclamation remains in force, be subject to the provisions of that Act or such of those provisions as are specified in that behalf in the proclamation.

(4) Subject to any order of the Minister limiting the number of persons to be employed in the organisation, either generally or in respect of any trade or duty, the Manager may appoint to the staff of the organisation, upon such terms and conditions as are prescribed by the appropriate industrial award, if any, such temporary and casual employees as, in his opinion, are necessary for carrying on the business of the organisation.

(5) In this section "industrial award" means—

(a) an order or award under the *Commonwealth Conciliation and Arbitration Act 1943-1949*†

\* 13 Geo. V. No. 25. For this Act, as amended to 1947, see annual volume for 1948, Appendix C.  
† No. 13 of 1904 (C'th), as amended by No. 28 of 1909, No. 7 of 1910, No. 6 of 1911, Nos. 5 and 18 of 1914, No. 39 of 1918, No. 31 of 1920, No. 29 of 1921, No. 22 of 1926, No. 8 of 1927, No. 18 of 1928, No. 43 of 1930, Nos. 45 and 54 of 1934, Nos. 14 and 30 of 1946, Nos. 10 and 52 of 1947, No. 77 of 1948, Nos. 28 and 86 of 1949.

and any agreement under that Act having the force of an order or award; and

- (b) a determination under the *Wages Boards Act 1920\**.

**5**—(1) Subject to this Act and in accordance with the policy laid down by the Minister, the Manager shall, with the organisation, carry on the business of a corn merchant subject to the following rules:—

Duties and powers of Manager.

- (a) He shall hold reserves of grain of the kind, quality, and quantity, and at the places required by the Minister, and shall not suffer his stocks of grain to become less except by permission of the Minister;
- (b) When selling grain he shall not discriminate between purchasers, except to refuse to sell to persons who, in his opinion, have no need to purchase grain from the organisation;
- (c) He shall not engage in retail trading to any greater extent than was the practice of the Australian Wheat Board in Tasmania immediately before the commencement of this Act; and
- (d) He shall so conduct the business of the organisation that, while avoiding losses, it does not accumulate substantial profits.

(2) The powers of the Manager under subsection (1) of this section shall include powers—

- (a) with the consent of the Minister, to charter ships to bring grain to this State from other parts of the Commonwealth;
- (b) to sell grain as agent for the Australian Wheat Board;
- (c) to request the Minister for Lands and Works to construct, alter, and pull down grain elevators, stores, and other buildings, erections, and works (including roads to provide means of ingress and egress to and from any works), and to acquire land therefor;
- (d) to contract with the Transport Commission or any other transport undertaking for special facilities, including special vehicles, tracks, sidings, platforms, and approaches;
- (e) to contract with harbour authorities for special facilities, works, and apparatus; and
- (f) to carry on business through agents in parts of this State where there are no members of the staff of the organisation available for the purpose.

\* 11 Geo. V. No. 51. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1236. Subsequently amended by 6 Geo. VI. No. 31, 8 & 9 Geo. VI. No. 48, 9 & 10 Geo. VI. No. 65, 10 Geo. VI. No. 25, and No. 8 of 1950.

(3) The Manager shall, in his official capacity, not be capable of taking or holding land otherwise than as provided in section seven.

(4) The Manager shall, as and when required by the Minister, give to the Minister such information as the Minister may at any time require about the organisation.

(5) No person dealing with the Manager shall be concerned to ascertain whether the Manager is acting in accordance with the policy laid down by the Minister or the rules set out in subsection (1) of this section and no contract shall be invalid by reason of any failure of the Manager so to act.

Transfer of property, &c., on change of Manager.

**6** Upon any person ceasing to hold the office of Manager and by virtue thereof there shall be transferred to and vested in, and enure for the benefit of, his successor—

- (a) all chattels held for the purposes of this Act by the person ceasing to hold office;
- (b) all contracts, bonds, securities, and choses in action made or taken by or vested in the person ceasing to hold office or his predecessors for the purposes of this Act, as if the successor had been contracted with instead of that person or his predecessors and where that person or one of his predecessors is named in any contract, bond, or security as if the successor were expressly named therein in lieu of that person or predecessor; and
- (c) all rights of action which have accrued to the person ceasing to hold office by reason of that office.

Public Works Department to construct necessary works.

**7**—(1) Upon a request by the Manager under paragraph (b) of subsection (2) of section five, the Minister for Lands and Works may, out of moneys provided by Parliament for the purpose—

- (a) carry out the works requested; and
- (b) purchase or take the required land under the provisions of the *Lands Resumption Act 1910\**.

(2) The Minister shall lease such works and lands to the Manager on what the Minister considers proper terms and conditions at rents considered by the Chief Valuer to be the best that could reasonably be obtained on such terms and conditions.

Use of Crown lands, &c., by Manager.

**8** The Governor may permit the Manager to use for the purposes of this Act any lands, works, or services of the Crown on payment of just prices therefor.

\* 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 5. Subsequently amended by 4 Geo. VI. No. 11, 8 Geo. VI. No. 12, and 9 & 10 Geo. VI. No. 59.

PART III.  
FINANCE.

**9**—(1) The Manager shall cause to be opened with the Commonwealth Bank of Australia in the name of the Manager of the Tasmanian Grain Elevators, such accounts as may be necessary, and all moneys received on account of the organisation shall be deposited therein, and all expenditure of, or in connection with, the organisation, shall be drawn from those accounts. Bank accounts. No. 14 of 1949, s. 8.

(2) No money shall be drawn from any such account except by cheque signed by the Manager or by an officer to be appointed by the Manager and countersigned by the officer appointed for that purpose by the Manager.

**10** Except where otherwise expressly provided by this Act, the revenues of the organisation in any financial year shall be applied in defraying— Expenditure. Ibid., s. 10.

(a) the working expenses of the organisation (including the costs of maintenance of any grain elevators, stores, buildings, erections, plant, equipment, machinery, and other works), and any expenditure in the execution and performance of the powers and duties of the Manager which are properly chargeable to revenue account;

(b) interest charges; and

(c) depreciation,

respectively, in the order above set out.

**11**—(1) The Manager shall make due provision for depreciation and obsolescence of the plant and machinery of the organisation and of any other assets thereof of a wasting nature, and shall place such provision to the credit of a separate account. Depreciation. Ibid., s. 11

(2) The balance of all moneys so provided by the Manager, after payment thereof of all amounts required for the replacement or renewal of any plant, machinery, or other asset of a wasting nature in the financial year in which the same were so set aside, shall be paid by the Manager to the State Sinking Fund Commissioners.

**12**—(1) The State Sinking Fund Commissioners shall credit all moneys received by them under section eleven to an account to be called the Tasmanian Grain Elevators Depreciation Fund Account (in this section called "the Fund"). Depreciation Fund. Ibid., s. 12.

(2) The State Sinking Fund Commissioners shall pay to the Treasurer, out of the moneys standing to the credit of the Fund at the commencement of each financial year, such sums as will reimburse the Treasurer the amount of sinking fund contributions payable by him to the National Debt Commission in respect of all loan moneys borrowed and applied for the capital expenditure of the organisation.

(3) The State Sinking Fund Commissioners shall pay to the Manager, out of the moneys standing to the credit of the Fund, such sums as he may require for the replacement or renewal of any plant, machinery, or other asset of a wasting nature.

(4) All moneys received by the State Sinking Fund Commissioners to the credit of the Fund shall be invested by them, and the income from such investment shall be credited to the Fund.

(5) For the purposes of providing any sum required under subsections (2) and (3) of this section, the State Sinking Fund Commissioners may sell and dispose of any securities in their hands in respect of moneys standing to the credit of the Fund.

Capital  
expenditure.  
*Ibid.*, s. 15.

**13** Subject to this Act, the Manager may requisition the Treasurer for any moneys required by him for capital expenditure in connection with the organisation which shall have been voted by Parliament for that purpose and the Treasurer may pay the same to the Manager forthwith.

Working  
capital.  
*Ibid.*, s. 14.

**14**—(1) Subject to this Act, the Manager may requisition the Treasurer for any sums, not exceeding twenty thousand pounds at any one time, required by him as working capital for the organisation.

(2) The Treasurer may pay any such sum to the Manager forthwith, and may borrow moneys for that purpose.

(3) The Manager may repay to the Treasurer any amount not at the time so required by him.

(4) The Manager shall pay interest on the amount of working capital for the time being held by him, at the times and at the rate provided in respect of loans under this Act.

Interest  
on loans.  
*Ibid.*, s. 16.

**15** The Manager shall pay to the Treasurer, on account of the Consolidated Revenue, quarterly on the last days of September, December, March and June, respectively, in each financial year, interest in respect of the loans made under this Act or so much thereof as shall remain owing to the State, from the respective dates of the payment by the Treasurer to the Manager of the moneys comprising the loans, at the State rate as defined by section twenty-four of the *Hydro-Electric Commission Act 1944*\*.

Annual  
accounts.  
*Ibid.*, s. 18.

**16**—(1) On or before the fifteenth day of August in every financial year, the Manager shall cause to be prepared—

- (a) a trading account for the immediately preceding financial year;
- (b) a profit and loss account for the immediately preceding financial year;
- (c) a profit and loss appropriation account for the immediately preceding financial year; and
- (d) a balance-sheet, containing particulars of all the assets and liabilities of the Manager, as at the end of the immediately preceding financial year.

\* 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 38, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948.

(2) The Manager shall supply to the Treasurer, as and when required by him, such information as the Treasurer may require, in respect of the expenditure of the revenues of the organisation.

**17** Whenever, in any financial year, the profit and loss account shows a credit balance, that balance may be applied towards meeting any loss which may occur or may have occurred in any other financial year.

Provision  
for profit  
and loss.  
*Ibid.*, s. 19.

**18**—(1) The accounts and balance-sheet mentioned in section sixteen shall be submitted to the Auditor-General not later than the sixteenth day of August in each year for audit by him, and, when so audited, shall forthwith be forwarded by the Manager to the Minister, together with the Auditor-General's certificate as to the correctness thereof and the annual report required by section twenty-seven.

Accounts to  
be submitted  
to Minister  
and laid  
before  
Parliament:  
Powers of  
the Auditor-  
General.  
*Ibid.*, s. 20

(2) Copies of the accounts and balance-sheet referred to in subsection (1) of this section and of the annual report of the Manager shall be laid before each House of Parliament within the first ten sitting days of such House after the receipt thereof by the Minister.

(3) The Auditor-General shall have in respect of the accounts of the Manager all the powers conferred upon him by the *Audit Act 1918\** in relation to the audit of public accounts.

#### PART IV.

##### STORAGE OF PRIVATE GRAIN.

**19** The Manager, so long as he provides sufficient space for all reserves of grain that he reasonably expects to be required to hold under section five, may, as part of the business of the organisation, accept grain—

Manager  
may store  
grain.  
No. 4270  
(*Vict.*), s. 18.

(a) for storage separately; or

(b) to be mixed with other grain, upon condition of delivery of the same quantity of grain of the same kind and quality, which arrangement is in this Act referred to as "bulk storage".

**20** The Manager, in respect of storage under this Part, shall not, in any way whatsoever, afford or give any preference or advantage to any person or subject any person to any detriment, discrimination, or disadvantage.

Preference as  
to charges  
prohibited.  
*Ibid.*, s. 19.

**21**—(1) Where the Manager accepts grain for bulk storage he shall give a warrant for it in the prescribed form entitling the owner to delivery of the same quantity of grain of the same kind and quality.

Warrants.  
*Ibid.*, ss. 21,  
24.

\* 9 Geo. V. No. 3. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 237. Subsequently amended by 1 Geo. VI. No. 63, 3 Geo. VI. No. 34, and 11 Geo. VI. No. 70.

(2) Warrants given under this section shall be transferable by general or special indorsement.

Dockage on  
wheat.  
*Ibid.*, s. 22.

**22**—(1) Where any wheat is received for bulk storage, the Manager, by an officer appointed for that purpose, shall determine whether or not any dockage on account of inferior quality is to be imposed in respect of that wheat.

(2) The officer referred to in subsection (1) of this section shall, in the prescribed manner, assess the amount of the dockage and a warrant for the wheat shall, subject to the provisions of subsections (3), (4), and (5) of this section, be issued for the quantity of wheat received, and the amount of dockage so assessed shall be stated on the warrant.

(3) If the owner of the wheat or his agent disputes the assessment he may, by giving notice forthwith in the prescribed form to the officer, require that the amount (if any) of the dockage shall be determined by an officer of the Department of Agriculture nominated by the Minister, in which case samples shall be taken as prescribed.

(4) Upon payment by the owner or his agent of the prescribed fee within the prescribed time the samples so taken shall be forwarded as prescribed and the amount (if any) of the dockage shall be determined by the officer of the Department of Agriculture.

(5) If the officer of the Department of Agriculture determines—

- (a) that an amount of dockage which is the same as or more than that assessed by the officer of the organisation should be imposed, the fee paid by the owner or his agent shall be paid to the Department of Agriculture; or
- (b) that no dockage should be imposed or that an amount of dockage less than that assessed by the officer of the organisation should be imposed, the fee paid by the owner or his agent shall be refunded to him and the Manager shall pay to the Department of Agriculture an amount equal to the fee so paid,

and the amount of dockage (if any) as so determined shall be imposed accordingly.

Delivery  
from bulk  
storage.  
*Ibid.*, s. 23.

**23**—(1) Grain received for bulk storage shall not be delivered up—

- (a) unless there has been delivered to the Manager—
  - (i) a warrant representing the same quantity of grain of the same kind, and, if grades are provided for, of the same grade, or, if no grades are provided for, of the same description or quality; and
  - (ii) instructions, in the prescribed form, by the person delivering the warrant as to the disposal of the grain; and

(b) all fees and freight, and all charges due to the Manager in connection therewith, have been paid.

(2) Where a warrant representing any quantity of wheat upon which any amount of dockage has been stated is delivered to the Manager, he may deliver that quantity of standard quality wheat and may require payment of an amount per bushel equal to the dockage.

**24** No action for damages for conversion or for detention of any grain received for separate or bulk storage shall be brought against the Manager or any officer or employee of the organisation or any person acting in his aid by any person claiming to be entitled to any mortgage, charge, lien, or any other encumbrance whatsoever of, upon, or over the grain or any crop from which the grain was harvested.

Protection  
from incum-  
brances.  
*Ibid.*, s. 25.

**25**—(1) After the delivery up to any person of any grain received for bulk storage in respect of which a warrant has been delivered as provided by section twenty-three, the Manager shall not be answerable to any other person claiming to be the owner of that grain or of any interest therein.

Indemnity.  
*Ibid.*, s. 25.

(2) The Manager shall not be responsible for—

(a) any loss of, or damage to, grain in his charge arising from irresistible force, the act of God or the King's enemies, strikes, lock-outs, or any other cause beyond his control; or

(b) any loss which may be sustained by reason of the short supply or non-supply of railway trucks to any works of the organisation for the purpose of moving grain therefrom.

(3) Where grain in the Manager's charge and not of ascertainable ownership is destroyed or damaged by any of the causes referred to in paragraph (a) of subsection (2) of this section, all persons at the time of the loss entitled to delivery of grain under warrants shall bear the loss in a proportion to be fixed by the Manager approximating as nearly as can be calculated by him to the proportion that the grain which those persons are entitled by their warrants to receive bears to the total quantity of such grain, and the amount of grain deliverable on the warrants then in force shall be reduced accordingly.

(4) Where, from any cause for which the Manager is responsible, damage to or loss of grain occurs, the liability of the Manager shall be limited to the market value of the grain at the time of the loss or damage.

PART V.  
MISCELLANEOUS.

Legal proceedings.

**26**—(1) Actions, suits and other proceedings may be brought by or against the Manager without naming him, and no such actions, suits, or proceedings shall abate by reason of any demise of or vacancy in the managership, but may be prosecuted by or against the Manager for the time being.

(2) In any proceedings touching the ownership of or damage to any goods of or in the possession of the Manager, the property therein may be laid in the Manager without naming him.

(3) The Manager shall not, in respect of his business as a corn merchant under section five, be deemed to be a public officer within the meaning of the *Public Officers' Protection Act 1934\**.

Annual Report.  
No. 14 of  
1949, s. 21.

**27** The Manager shall furnish to the Minister annually with the accounts and balance-sheet mentioned in section eighteen a report of the operations, business, and affairs of the organisation in respect of the immediately preceding financial year.

Regulations.

**28** The Governor may make regulations prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out, or giving effect to, the provisions of this Act.

\* 25 Geo. V. No. 65. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 327.

## DECEASED PERSONS' ESTATES DUTIES.

No. 45 of 1950.

AN ACT to amend the *Deceased Persons' Estates Duties Act 1931*. [16 November, 1950.]

**B**E 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:—

Short title and citation.

**1**—(1) This Act may be cited as the *Deceased Persons' Estates Duties Act 1950*.

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

22 Geo. V. No. 23. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 925. Subsequently amended by 1 Edw. VIII. No. 17, 1 Geo. VI. No. 29, 2 Geo. VI. No. 25, 3 Geo. VI. No. 30, 4 Geo. VI. No. 41, 5 Geo. VI. No. 3, 6 Geo. VI. No. 36, and 7 Geo. VI. No. 59.