

TASMANIA.



1945.

ANNO OCTAVO ET NONO
 GEORGHII VI. REGIS.

No. 50.

ANALYSIS.

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AN ACT to provide for the Management and Control of certain Cool Stores erected at Stanley in this State, and for matters incidental thereto. [8 June, 1945.]

A.D.
 1945.

WHEREAS certain cool stores have been erected and established on land belonging to the Crown at Stanley: Preamble.

And whereas the capital cost of the cool stores amounts to thirteen thousand pounds, which sum has been provided in the following proportions, namely, the sum of eight thousand pounds out of moneys provided by Parliament for the purpose under the *Public Works Execution Act 1942** and the *Public Works Execution Act (No. 2) 1943†*, the sum of two

* 6 Geo. VI. No. 45

† 7 Geo. VI. No. 54.

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And whereas it is desirable to make provision for the management and control of the cool stores:

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

Short title. **1** This Act may be cited as the *Stanley Cool Stores Act 1945*.

Interpretation. **2** In this Act, unless the contrary intention appears—
 “the board” means the Stanley Cool Stores Board constituted under this Act;
 “the company” means the Duck River Co-operative Butter Factory Company Limited;
 “the cool stores” means the cool stores erected and established on certain Crown land (in this Act referred to as “the said land”) situated at Stanley in this State, being the land described in the schedule;
 “the Marine Board” means the Marine Board of Circular Head.

Constitution of the board. **3**—(1) There shall be constituted for the purposes of this Act a board, to be called the Stanley Cool Stores Board, which shall consist of three persons appointed as provided in this section.

(2) The members of the board shall be appointed by the Governor, and shall comprise—

(a) a person who shall be appointed as chairman of the board;

(b) a person nominated by the Company; and

(c) a person nominated by the Marine Board.

(3) Any officer of the Public Service may be appointed as a member of the board, and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(4) The members of the board, as such, shall not be subject to the provisions of the *Public Service Act 1923**.

(5) The members of the board shall be paid such fees and allowances as the Governor may determine.

Incorporation of the board. **4**—(1) The board shall be a body corporate, having perpetual succession and a common seal.

(2) The seal of the board shall not be affixed to any document except in accordance with a resolution of the board, and

* 13 Geo. V. No. 25, as amended by 18 Geo. V. No. 18, 26 Geo. V. No. 61, 3 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. No. 6, 6 Geo. VI. No. 9, 6 Geo. VI. No. 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 103, and by Statute Law Revision (see Reprint of Statutes, Vol. VI., page 263).

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shall be authenticated by the signatures of the chairman and the secretary, but if the chairman is absent any member of the board may sign on his behalf. A.D. 1945.

(3) The chairman shall be the executive officer of the board.

5—(1) The chairman, if present, shall preside at all meetings of the board, and shall have a deliberative vote. Proceedings
of the board.

(2) Any two members of the board shall form a quorum for the transaction of the business of any meeting of which notice has been given, personally or by post, to all the members, and the board may function, notwithstanding any vacancy in its membership, if a quorum remains.

(3) Where the voting on any question is equal, the decision shall be postponed until the next meeting of the board, and notice of the question and of the fact that the voting thereon was equal shall be given in the notice calling the meeting, and if the voting on the question is again equal the chairman shall have a second or casting vote.

(4) Subject to this section, the board may regulate its own procedure.

6—(1) The board may, with the approval of the Minister, appoint any person to act with the board in an advisory capacity. Power of
board to
co-opt an
advisory
member.

(2) Any person appointed to act with the board in accordance with subsection (1) shall—

(a) deliberate with and advise the board on any matters specified by the board, when required by the board so to do but shall not vote on any question arising at any meeting of the board; and

(b) be paid such fees as the Governor may determine.

7—(1) The board may appoint a secretary to the board and such other officers as it thinks necessary for the purposes of this Act upon such terms and conditions as the board may determine. Appointment
of officers.

(2) An officer of the Public Service may hold office under this Act in conjunction with his office as an officer of the Public Service, and shall be subject to the directions of the board.

8 The Commissioner of Crown Lands shall, as soon as is practicable after the commencement of this Act, grant to the board a lease of the said land for the term of twenty-one years, upon such terms and conditions, and at such rental, as may be agreed upon between the Commissioner and the board, or, in default of agreement, as may be determined by the Governor. Lease of cool
stores, &c., to
the board.

9—(1) Subject to this Act and to any directions given to it by the Minister, the board shall have the general management and control of the cool stores and shall do all such acts and things and perform such functions as may be necessary for the purpose of ensuring the efficient operation thereof. Powers and
functions of
the board.

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- A.D. 1945. (2) The board may, with the approval of the Minister—
- (a) allocate space for the storage of commodities in the cool stores;
 - (b) fix charges for the storage of commodities in the cool stores; and
 - (c) make such additional provision for cool storage, or any matters connected therewith, or for the more efficient operation of the cool stores, as the board may think necessary, or as may be necessary for ensuring compliance with the provisions of any Act or Commonwealth Act relating to the export of any commodities.

(3) The board shall not, so long as any part of the moneys provided by Parliament towards the capital cost of the cool stores remains owing to the State, sell, exchange, or otherwise dispose of, or mortgage or charge, any part of the property or assets of the board, except with the prior approval of the Governor.

Power of board to borrow £1000.

10—(1) The board may, with the approval of the Treasurer, borrow any sums of money, not exceeding in the whole the sum of one thousand pounds, for the purposes of this Act.

(2) The Treasurer may borrow any sum of money, not exceeding in the whole the sum of one thousand pounds, for the purposes of this Act, and may advance any moneys so borrowed to the board on such terms and conditions as the Governor may approve.

(3) Where any moneys are advanced to the board by the Treasurer under this section the board shall make such provision as the Treasurer may require for the establishment of a sinking fund for the purpose of repaying the moneys so advanced.

Accounts to be prepared yearly.

11 As soon as practicable after the close of each financial year the board shall cause a balance sheet and profit and loss account to be prepared in such form, and containing such particulars, as may be prescribed.

Application of profits.

12—(1) Unless the Minister otherwise directs, the board shall in each financial year, after deducting from its gross receipts—

- (a) the working expenses and the cost of maintenance of the cool stores; and
- (b) the interest and sinking fund payments payable by the board in respect of any moneys advanced to it under section ten,

retain all profits arising from the activities of the board under this Act.

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(2) All profits retained by the board under subsection (1) shall be applied, as directed by the Governor, in and towards— A.D. 1945.

(a) the establishment of a reserve fund for the purposes of—

- (i) meeting any losses arising or likely to arise in the course of the board's operations under this Act;
- (ii) repaying the capital cost of the cool stores; and
- (iii) defraying any unforeseen expenditure incurred, or likely to be incurred, by the board; and

(b) defraying any costs incurred in extending cool storage facilities in pursuance of this Act.

13—(1) Whenever in any financial year the profit and loss account prepared in accordance with section eleven shows a debit balance, the board shall appropriate to the credit of that account, out of any moneys standing to the credit of the reserve fund established in accordance with paragraph (a) of subsection (2) of section twelve, an amount equal to such debit balance. Losses: How met.

(2) If in any financial year the moneys standing to the credit of the reserve fund are insufficient to meet the whole or any part of any debit balance shown in the profit and loss account, the board shall appropriate to the credit of that account such moneys (if any) as may be standing to the credit of the reserve fund, and shall comply with any directions of the Minister with respect to meeting any deficiency in its accounts.

(3) The board, with the approval of the Minister, may, for the purpose of meeting any deficiency in its accounts, obtain advances from a bank by overdraft of the current account upon the credit of the board, but no such overdraft shall exceed the sum of five hundred pounds.

14 The accounts of the board shall be subject to the provisions of the *Audit Act 1918**. Audit of accounts.

15—(1) As soon as practicable after the close of each financial year, the board shall submit to the Minister a report of its operations during the previous financial year. Board to report.

(2) The Minister shall cause a copy of the report to be laid on the table of each House of Parliament within the first fourteen sitting days after it is received by him.

16 The Marine Board shall be deemed to have, and always to have had, power to expend the sum of two thousand five hundred pounds referred to in the preamble towards meeting the capital cost of the cool stores, and the expenditure of such sum is hereby validated. Validation of payment by Marine Board.

* 9 Geo. V. No. 3. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. I., page 237. Subsequently amended by 1 Geo. VI. No. 63 and 3 Geo. VI. No. 34.

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A.D. 1945. **17** 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 this Act.

Regulations.

Section 2.

THE SCHEDULE.

TOWN OF STANLEY.

0A. 1R. 2P.

COOL STORES.

Commencing at a point distant 4 chains 6 links or thereabouts south-easterly from the north-west angle of 3a. 3r. 0p. breakwater site and bounded by a line bearing $105^{\circ} 06'$ for 1 chain $87 \frac{9}{10}$ links by a line bearing $153^{\circ} 29'$ for 1 chain $3 \frac{7}{10}$ links by a line bearing $243^{\circ} 30'$ for 1 chain $68 \frac{6}{10}$ links by a line bearing $333^{\circ} 30'$ for 1 chain $25 \frac{2}{10}$ links by a line bearing $57^{\circ} 24'$ for $37 \frac{3}{10}$ links by a line bearing $333^{\circ} 17'$ for $38 \frac{3}{10}$ links and thence by a line bearing $325^{\circ} 07'$ for $61 \frac{6}{10}$ links to the point of commencement.