

"423AA—(1) All tolls levied under paragraph (c) of subsection (2) of section four hundred and twenty-one shall, unless the Minister has approved some other use in writing, be expended only on the maintenance of roads in respect of which such tolls are levied.

Expenditure
of tolls on
timber for
export.

"(2) For the purposes of this section all such tolls shall be treated as one fund to be applied generally in respect of all such roads."

8 Section one hundred and forty-two of the *Launceston Corporation Act* 1963 is amended by inserting after the words "Divisions II to X" the words "and Division XIV".

Amendment of
*Launceston
Corporation
Act* 1963.

9 This Act shall expire on the 31st day of December 1974.

Expiry of Act.

APPLE AND PEAR CROP (PRICE GUARANTEE).

No. 76 of 1972.

AN ACT to provide for the making of grants in respect of apples and pears produced in the 1973 season and exported to the British Isles and all other parts of Europe in the event of inadequate prices being obtained therefor.

[17 January 1973.]

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 *Apple and Pear Crop (Price Guarantee) Act* 1972. Short title.

2 In this Act, unless the contrary intention appears—

Interpretation.

"Board" means the Board of Management of the Agricultural Bank of Tasmania;

"deficiency grant" means a deficiency grant made under section three;

"fruit" means apples and pears;

"property" means an area of land all parts of which are in the same occupation;

"proprietor", when used in relation to any property, means the person entitled to use that property for the production of fruit;

"prescribed area" means the British Isles and all other parts of Europe;

"the season" means the period of twelve months ending on the thirtieth day of June 1973.

Deficiency grants.

3—(1) Subject to this Act, where the Board is satisfied that an inadequate price has been obtained for the fruit that has been produced on any property during the season and has been exported to the prescribed area, it may, if it thinks fit, make a deficiency grant in respect of that fruit.

(2) As far as is practicable the Board shall exercise its powers under this section so as to ensure that, assuming the deficiency grants form part of the consideration received from the sale of the fruit to which they relate, the average price obtained for fruit that is produced during the season in the State and exported to the prescribed area is the price guaranteed in respect thereof.

(3) For the purposes of determining the average price referred to in subsection (2) of this section any fruit that is sold to a purchaser otherwise than f.o.b. at a port in this State shall be deemed to have been sold at the price at which the Board is of opinion, having regard to the price at which, and the circumstances in which, it was in fact sold, it would have been sold to the same purchaser if it had been sold to him f.o.b. at a port in this State.

(4) Where a stabilization payment is made in respect of any fruit under the *Apple and Pear Stabilization Act 1971* of the Commonwealth, or any Act of the Commonwealth amending or enacted in substitution for that Act, that payment shall, for the purpose of ascertaining for the purposes of this Act the price at which that fruit was sold, be deemed to form part of the consideration received from the sale of the fruit.

(5) Except in respect of pears of the lowest export grade, the guaranteed price for the purposes of this Act is two dollars sixty cents per bushel and in respect of pears of the lowest export grade such lower price as the Board may fix in relation to those pears.

(6) For the purposes of subsection (5) of this section the Board may determine to be pears of the lowest export grade any pears that the Board is satisfied would reasonably be expected to command only a price that is lower than that commanded by other pears exported from the State that are not of that grade.

(7) No deficiency grant is payable in respect of fruit—

(a) that is sold before it leaves the State; or

(b) that the Board is of opinion was not of an export quality when it left the State,

and any such fruit shall be disregarded in determining an average price for the purposes of subsection (3) of this section.

(8) For the purposes of subsection (7) of this section fruit shall be deemed to have been sold as soon as a contract for its sale is entered into.

(9) In determining the amount of a deficiency grant in respect of the fruit produced on any particular property the Board shall have regard—

- (a) to the expenses actually incurred in the selection, packing, carriage, and loading of the fruit for the purpose of its shipment from this State; and
- (b) to the expense that would be expected to have been so incurred if those operations had been carried out in the manner that the Board is satisfied is the most suitable having regard to the requirements of the market for which the fruit is intended,

and the Board shall so exercise its powers under this section as to encourage and facilitate the export of fruit from this State to the prescribed area in the manner most beneficial to the fruitgrowing industry of the State.

4—(1) An application for a deficiency grant in respect of the fruit produced on any property shall be made by the proprietor thereof in a manner approved by the Board; but the Board may require two or more properties in the same occupation to be treated as a single property for the purposes of an application under this section. Applications for deficiency grants.

(2) No deficiency grant shall be made on any application unless the Board is satisfied that no fruit produced on the property to which the application relates is held in storage in this State pending its carriage to the prescribed area.

(3) No deficiency grant shall be made in respect of the fruit produced on any property unless the Board has been furnished with such particulars as it may require with regard to the disposal of, and the other dealings with, the fruit produced on that property, and, to the extent that the Board requires, those particulars have been verified by a statutory declaration.

5—(1) Where the Board has, on an application made under this Act, determined the amount of the deficiency grant to be made in respect of the fruit produced on any property it shall notify the proprietor of that property in writing of the amount of the grant. Payment of deficiency grants.

(2) A deficiency grant payable in respect of the fruit produced on any property shall be paid by the Board to any person who, in pursuance of an agreement with the proprietor of that property, arranged for the carriage of that fruit from this State to the prescribed area.

(3) Subject to subsection (4) of this section any deficiency grant paid to any person under this section in respect of the fruit produced on any property shall be held by that person on trust for the proprietor of that property to be paid or applied in such manner as that proprietor may direct.

(4) Where pursuant to subsection (3) of this section any person holds any deficiency grant or any part thereof on trust for the proprietor of a property that person may, subject to any directions given him by the Board, hold and apply that grant or any part thereof in or towards the discharge of any debts or obligations incurred to him by the proprietor of that property in relation to dealings with the fruit produced on that property during the season.

Provisions for
prevention of
fraud, &c.

6—(1) Any person who with a view to the obtaining payment of a deficiency grant by the Board makes any representation that he knows to be false or does not believe to be true is guilty of an offence and liable to a penalty of one thousand dollars.

(2) Where in relation to an application for a deficiency grant representations have been made to the Board that are false in any material particular the Board may recover, as a debt due to it, the whole of the grant, or such part thereof as it may determine, from the person to whom the grant was paid or the proprietor of the property in relation to which the application was made.

(3) Any sums recovered by the Board under this section shall be paid into the Consolidated Revenue.

Expenses of
Act.

7 The expenses of the Board under this Act shall be defrayed out of moneys provided by Parliament for the purpose.

CROWN LANDS (MISCELLANEOUS PROVISIONS) (No. 3).

No. 77 of 1972.

AN ACT to make provision for certain matters relating to certain Crown lands and other lands and to amend the *Crown Lands (Miscellaneous Provisions) Act 1970*. [17 January 1973.]

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:—

Short title and
citation.

1—(1) This Act may be cited as the *Crown Lands (Miscellaneous Provisions) Act (No. 3) 1972*.

(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).