

## CLAUSE NOTES

### *Tasmanian Development Amendment Bill 2024*

- Clause 1**                      **Short title**  
Short title and citation.
- Clause 2**                      **Commencement**  
This clause provides that, once passed, the Bill will commence on the day that it receives Royal Assent.
- Clause 3**                      **Principal Act**  
This Bill amends the *Tasmanian Development Act 1983*, which is referred to as the Principal Act.
- Clause 4**                      **Section 9 amended (General powers of TDR)**  
This clause increases the following four limits which are imposed on Tasmania Development and Resources:
- The limit for secured loans in section 9(2)(b), which the Bill would increase to \$15 million;
  - The limit for acquiring an interest in a business undertaking with the approval of the Minister in section 9(2)(d), which the Bill would increase to \$35 million;
  - The limit for unsecured loans in section 9(4)(a), which the Bill would increase to \$500 000; and
  - The limit for discharging a loan liability in section 9(4)(b), which the Bill would increase to \$50 000.
- In addition to the limit changes, subclause (e) inserts a new subsection 7. The purpose of this new subsection is to make clear that the power in subsection (6) for the Governor to amend amounts in section 9 still exists, despite Parliament making amendments through primary legislation with this Bill.
- Clause 5**                      **Section 37 amended (Powers of Governor as to loans, grants and guarantees)**

This clause omits subsection (5), because it is now dealt with in Section 37A as inserted by clause 6.

**Clause 6**

**Section 37A inserted**

Clause 6 inserts a new section relating to the funding of grants and loans under Part III, which includes sections 35 to 37. However, the new section has no effect on section 36 which only provides for the making of guarantees, not grants or loans.

Subsection (1) provides that grants or loans made under Part III may be paid from money appropriated by Parliament for the purpose, or, where the Treasurer so determines, by the funds of Tasmania Development and Resources. This makes no substantive change for section 37 as it replaces section 37(5), which had the same effect. However, it does affect section 35, which does not currently make clear where loans made under that section are to be paid from.

Subsection (2) makes clear that grants and loans under Part III can be funded by TDR borrowings, for the avoidance of doubt.

Subsection (3) provides that any grants or loans which were made under Part III prior to the enactment and commencement of this Bill are not invalidated solely on the basis that they were paid from TDR funds or an appropriation. This is to ensure that the validity of current and historic loans and grants are not put into doubt.

**Clause 7**

**Section 38A inserted**

This clause inserts a new power for the Minister to delegate their functions or powers under the Act. The power of delegation is limited to functions or powers which are administrative or managerial.

**Clause 8**

**Repeal of Act**

Provides that the Bill, once enacted, will be repealed one year from commencement. This is because it is an amendment Bill, so the amendments will be incorporated into the Principal Act.