

APPLE AND PEAR CROP INSURANCE.

No. 19 of 1967.

AN ACT to make provision for the insurance of apple and pear crops and to repeal the *Hail Insurance Act 1957*. [24 July 1967.]

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—(1) This Act may be cited as the *Apple and Pear Crop Insurance Act 1967*. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

2—(1) In this Act, unless the contrary intention appears— Interpretation.

“base figure”, when used in relation to any orchard for any year, means the base figure for that orchard for that year fixed under section four;

“Board” means the Apple and Pear Crop Insurance Board established under section five;

“compensation rate” means the compensation rate fixed under section five;

“fruit” means apples and pears;

“fruit crop insurance policy” has the meaning assigned to that expression by subsection (1) of section three;

“Fund” means the Apple and Pear Crop Insurance Fund established under section six;

“General Manager” means the Tasmanian Government Insurance Office General Manager;

“insured grower”, when used in relation to a fruit crop insurance policy in respect of any orchard, means the person for the time being holding a licence in respect of that orchard;

“licence”, when used in relation to an orchard, means a licence in force in respect of that orchard under Part IIIA of the *Fruit Board Act 1934*;

“Office” means the Tasmanian Government Insurance Office;

“orchard” means land in respect of which a licence is in force and includes any part of any such land;

“premium rate” means a premium rate fixed under section five;

“quantity of fruit insured”, when used in relation to a fruit crop insurance policy, has the meaning assigned to that expression by subsection (1) of section three;

“year” means a period of twelve months ending on the thirtieth day of June.

(2) For the purposes of this Act the quantity of packed fruit produced from an orchard in any year shall, subject to subsection (3) of this section, be taken to be the quantity of fruit produced from that orchard during that year that—

- (a) has been sold during that year for human consumption;
- (b) has been dispatched from that orchard during that year for the purpose of being so sold; or
- (c) is held in store at the end of that year for the purpose of being so sold.

(3) For the purposes of subsection (2) of this section there shall be disregarded any fruit sold, or dispatched or held in store for the purpose of being sold, for the purpose of being processed at any factory or similar place, or of being used at any such factory or place for the manufacture or production of any other commodity.

(4) References in this Act to a quantity of fruit shall be construed as a reference to a quantity of fruit measured in bushels.

Fruit crop
insurance
policies.

3—(1) On the proposal of the holder of a licence in respect of an orchard for any year the General Manager shall enter into a contract of insurance (in this Act referred to as a “fruit crop insurance policy”) providing for the payment to the insured grower of a sum by way of compensation if the quantity of packed fruit produced from that orchard in that year is less than a quantity (in this Act referred to as the “quantity of fruit insured”) specified by the person making the proposal, being a quantity that does not exceed three-quarters of the base figure for that orchard for that year.

(2) The premium payable under a fruit crop insurance policy in respect of an orchard for any year shall be calculated on the quantity of fruit insured at the premium rate applicable to that orchard for that year.

(3) The sum payable under a fruit crop insurance policy in respect of an orchard for any year by way of compensation shall be calculated at the compensation rate for that year on the amount by which the quantity of packed fruit produced from that orchard in that year is less than the quantity of fruit insured.

(4) Subject to this section, a fruit crop insurance policy shall be in the prescribed form and may contain provision for relieving the General Manager from the obligation to make any payment by way of compensation otherwise due there-

under, or any part of any such payment, on the happening of such events as may be specified in the policy, being events which fall within any of the following classes, namely:—

- (a) A failure to comply with any requirements imposed by or in pursuance of the policy with regard to the husbandry of the orchard to which the policy relates, or the handling, storage, or disposal of the fruit produced in the orchard;
- (b) Any neglect or default of the person holding a licence in respect of the orchard or of any person employed by him that has, or would be likely to have, the effect of reducing the quality or quantity of the fruit produced in the orchard;
- (c) Any war, warlike operations, riot, civil commotion, or any occurrence outside the State, that affects the quantity of packed fruit produced from the orchard to which the policy relates;
- (d) A failure to notify the General Manager, within a time specified in the policy, of the occurrence of such events in relation to the orchard or the fruit produced therein as may be so specified;
- (e) A failure to make a claim for any such payment before the end of the year to which the policy relates; or
- (f) The making of a misrepresentation in the proposal for the policy.

(5) A fruit crop insurance policy may contain provision for the avoidance of the policy on the failure to pay the premium due thereunder within such time as may be specified therein, not being earlier than thirty days after the submission of the proposal therefor to the General Manager.

(6) A fruit crop insurance policy may make provision for the settlement of disputes arising thereunder, either by way of submission to arbitration or otherwise.

(7) A proposal for a fruit crop insurance policy shall be in such form, and contain such particulars, as may be prescribed, and shall be submitted to the General Manager after the commencement of, but before the first day of September in, the year to which it relates.

(8) The rights, duties, obligations, and liabilities of an insured grower under a fruit crop insurance policy in respect of an orchard devolve on the insured grower for the time being, notwithstanding that he was not the person who made the proposal for, or entered into, the policy.

4—(1) On the receipt of a proposal for a fruit crop insurance policy in respect of an orchard for any year the General Manager shall fix the base figure for that orchard for that year.

Fixing of
base figure
for an
orchard.

(2) The base figure for an orchard for any year shall be fixed at such quantity of packed fruit as, assuming that no abnormal conditions prevail at any time during that year, the General Manager considers can reasonably be expected to be produced from that orchard during that year.

(3) In fixing the base figure for an orchard for any year the General Manager shall have regard to such information as is available to him with respect to—

- (a) the quantity of packed fruit produced from that orchard during the last four preceding years;
- (b) any special conditions prevailing in any of those years that affected, or may reasonably be expected to have affected, the quantity of fruit produced from that orchard during that year; and
- (c) the number of trees of bearing age in that orchard during each of those years and in the year for which the base figure is required to be fixed, and with respect to such other factors as he considers relevant to the fixing of the base figure for that orchard for that year.

(4) A decision of the General Manager fixing the base figure for an orchard for any year is final and conclusive.

Fixing of
premium
rates and com-
pensation
rate.

5—(1) For the purposes of this Act there shall be established an Apple and Pear Crop Insurance Board which shall consist of—

- (a) the General Manager;
- (b) a person appointed by the Treasurer;
- (c) a person appointed by the Minister for Agriculture; and
- (d) a fruitgrowers' representative.

(2) Subject to this section, the fruitgrowers' representative shall be a person appointed by the Treasurer from among three persons whose names are submitted to him by the State Fruit Board as being the names of persons recommended by it as being suitable for appointment as the fruitgrowers' representative.

(3) If, when it becomes necessary to appoint a fruitgrowers' representative, the State Fruit Board, within one month after being requested by the Treasurer so to do, fails to submit to him a list of the names of three persons whom it recommends as suitable for appointment as the fruitgrowers' representative, the Treasurer may appoint, as fruitgrowers' representative, any suitable person whom he considers will sufficiently represent on the Board the interests of fruitgrowers.

(4) The provisions of the schedule have effect with respect to the Board.

(5) For each year the Board shall, for the purposes of this Act, fix the premium rates and the compensation rates as specified sums related to specified quantities of fruit.

(6) The Board may fix different premium rates for orchards in different parts of the State.

(7) In fixing the premium rates the Board shall endeavour to ensure that, taking one year with another, the income of the Fund from premiums received under fruit crop insurance policies is sufficient to meet the sums required to be paid out of the Fund, but is not substantially greater than that necessary for that purpose.

(8) The General Manager shall, not later than the first day of August in any year, cause to be published in the *Gazette*, and in such other manner as he thinks necessary to bring it to the attention of holders of licences, a notice of the premium rates and the compensation rate fixed under this section for that year.

6—(1) There shall be established in the books of the Office a fund to be called the Apple and Pear Crop Insurance Fund. Apple and Pear Crop Insurance Fund.

(2) There shall be paid into the Fund—

- (a) all premiums received under fruit crop insurance policies; and
- (b) any other sums that, under this Act, are required to be paid into the Fund.

(3) There shall be paid out of the Fund—

- (a) all sums required to be paid under fruit crop insurance policies by way of compensation;
- (b) the expenses incurred in the administration of this Act; and
- (c) any other sums that, under this Act, are required to be paid out of the Fund.

(4) The Fund shall not be incorporated in, and shall be kept separate and apart from, the other accounts of the Office.

(5) All moneys in the Fund that, in the opinion of the General Manager, are not immediately required for the purposes of the Fund, may be invested in such manner and on such securities as may be prescribed under the *Tasmanian Government Insurance Act 1919*, but any such securities may be realized, hypothecated, or otherwise dealt with as the General Manager thinks fit.

7—(1) Where the Treasurer certifies that any payment that is required to be made out of the Fund cannot immediately be met by the Fund there shall be paid out of the Consolidated Revenue into the Fund a sufficient sum to enable that payment so to be met, and the Consolidated Revenue, by virtue of this section is, to the necessary extent, appropriated accordingly. Payments to Fund out of Consolidated Revenue.

(2) Where any sums have been paid into the Fund under subsection (1) of this section there shall, on the demand of the Treasurer, be paid to the Treasurer out of the Fund such sums as he may direct in repayment, in whole or in part, of the sums so paid into the Fund.

(3) No demand shall be made under subsection (2) of this section in respect of the repayment of any sum after the expiration of a period of five years after that sum has been paid into the Fund.

Information,
&c.

8—(1) Where a person, or body of persons, receives returns that indicate the quantity of fruit produced on any land, or the quantity of fruit so produced that is sold, or dispatched, delivered, or stored for sale, the General Manager may, by notice in writing served on that person or on a member or officer of that body of persons, require him to furnish to the General Manager copies of those returns and such other information relating thereto as may be specified in the notice.

(2) Where a proposal for a fruit crop insurance policy is made, or such a policy is in force, in respect of any land the General Manager may, by notice in writing, require—

- (a) the person by whom that proposal is made, or the insured grower;
- (b) any person who is the owner or occupier of that land;
- (c) any person to whom any fruit produced on that land has been sold, dispatched, or delivered; or
- (d) any person who is the owner or occupier of any premises on which any such fruit is stored, or kept for the time being, or who, in the course of his business, stores or keeps any such fruit,

to furnish the General Manager with such information as may be specified in the notice with regard to the fruit produced on that land.

(3) A notice served under subsection (1) or subsection (2) of this section may specify the time within which the copies of the returns, or the information, required by the notice to be so furnished, is to be so furnished.

(4) Any person who, without reasonable excuse—

- (a) fails to comply with a notice served on him under this section; or
- (b) furnishes, in respect of such a notice, a copy of any return or any information that is false,

is guilty of an offence and liable to a penalty of two hundred dollars.

(5) The General Manager, or a person authorized by him in that behalf, may, at any reasonable time, enter and inspect—

- (a) any such land as is referred to in subsection (1) of this section; and
- (b) any premises at which either he or the person so authorized has reason to believe any fruit produced on any such land is stored or kept.

Service of
notices.

9 A notice authorized or required to be served on any person under this Act may be so served—

- (a) by delivering it to him personally;

- (b) by leaving it for him at his usual or last known place of abode or business with a person apparently an inmate thereof or employed thereat and apparently not less than sixteen years of age; or
- (c) by sending it by registered post addressed to him at his usual or last known place of abode or business.

10—(1) The *Hail Insurance Act 1957* is repealed

Repeal of
*Hail
Insurance Act
1957.*

(2) Any sums that, if this Act had not been enacted, would have been required to have been paid into or out of the Hail Insurance Fund in respect of any period, or the occurrence of any event, before the commencement of this Act shall, as the case may be, be paid into or out of the Consolidated Revenue which, to the necessary extent, is appropriated accordingly.

(3) The sums that, immediately before the commencement of this Act, were contained in the Hail Insurance Fund, and any investments and securities in which, immediately before that commencement, any moneys in the Hail Insurance Fund were invested, shall, on that commencement form part of the Consolidated Revenue.

11 Except as otherwise expressly provided therein, nothing in this Act affects the operation of any of the provisions of the *Tasmanian Government Insurance Act 1919*.

Saving for
*Tasmanian
Government
Insurance Act
1919.*

12 The Governor may make regulations for the purposes of this Act.

Regulations.

13—(1) Unless an order is made under this section, this Act expires at the end of the year ending in 1972, and, if an order is so made, expires at the end of the year appointed by the order for the time being in force as the year at the end of which this Act is to expire.

Expiry
of Act.

(2) Before this Act would otherwise expire the Governor may by order appoint a year (being a later year than that at the end of which this Act would otherwise expire) as the year at the end of which this Act is to expire, and on the making of such an order any order previously made under this subsection ceases to be of effect.

(3) No order shall be made under this section unless a draft thereof has been approved by resolution of each House of Parliament.

THE SCHEDULE.

(Section 5.)

APPLE AND PEAR CROP INSURANCE BOARD.

1. The members of the Board (except the General Manager and the fruitgrowers' representative) hold office under the terms of the instrument under which they are respectively appointed.

2.—(1) Subject to this paragraph, the fruitgrowers' representative holds office for a period of five consecutive years, but where such a representative dies or ceases to hold office otherwise than by effluxion of time, the person appointed to fill the vacancy holds office only for the unexpired portion of the term of office of the fruitgrowers' representative in whose place he was appointed.

(2) The Treasurer may remove a fruitgrowers' representative from his office if he thinks it necessary or desirable so to do on the grounds of misconduct or incapacity.

3. The General Manager is the chairman of the Board.

4. The chairman of the Board shall preside at all meetings of the Board at which he is present, and, if he is absent from any meeting of the Board, such one of the other members of the Board, as they may choose, shall preside at that meeting.

5. Three members of the Board constitute a quorum at any meeting of the Board.

6. The chairman of the Board, or any other member presiding at a meeting of the Board, has a deliberative vote only, and, in the event of an equality of votes on any matter before a meeting of the Board, that matter shall be adjourned to the next meeting of the Board.

7. The Minister may appoint a secretary of the Board and may make arrangements to render available to the Board such staff and accommodation as the Board may require.

8. With the consent of the Public Service Commissioner, an officer of the Public Service may, in conjunction with his office as such, hold office as secretary of the Board, or serve the Board in any other capacity.

9. Subject to this Act the Board may regulate its own proceedings.

EDUCATION.

No. 20 of 1967.

AN ACT to amend the *Education Act 1932*.

[24 July 1967.]

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—(1) This Act may be cited as the *Education Act 1967*.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.