

FIRE BRIGADES.

No. 30 of 1964.

AN ACT to amend the *Fire Brigades Act 1945*.
[20 November 1964.]

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 *Fire Brigades Act 1964*. Short title, citation, and commencement.

(2) The *Fire Brigades Act 1945*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The provisions of this Act shall commence on such dates respectively as may be fixed by proclamation in relation to each of those provisions.

2 Section two of the Principal Act is amended—

Interpretation.

(a) by inserting in the definition of “auxiliary fire brigade”, after the numeral “IV”, the words “or a rural fire brigade registered under Part V of the *Rural Fires Act 1950*”;

(b) by omitting the definition of “contributory company”;

(c) by omitting the definition of “fire insurance company” and substituting the following definition:—

“‘insurance company’ means any company, partnership, or other association that carries on in the State the business of insuring against loss of, or damage to, property, either alone or in conjunction with any other business;”;

(d) by omitting from the definition of “owner” the word “property” (twice occurring) and substituting therefor, in each case, the words “land or premises”; and

(e) by adding at the end thereof the following subsection:—

“(2) An insurance company shall, for the purposes of this Act, be treated as a fire insurance company throughout the whole of any financial year during which it is required to make contributions in pursuance of section forty-two; and references in this Act to a fire insurance company shall be construed accordingly.”.

Constitution
of Commission.

3 Section three of the Principal Act is amended—

- (a) by omitting from paragraph (c) of subsection (2) all the words following the word “by” (first occurring) and substituting therefor the words “the fire insurance companies as provided in this section.”;
- (b) by inserting in subsection (3), after the word “purposes”, the words “of paragraph (b)”;
- and
- (c) by inserting after subsection (3) the following subsections:—

“(3A) Every election for the purposes of paragraph (c) of subsection (2) of this section shall take place at a meeting of representatives of fire insurance companies held in accordance with this section.

“(3B) Where it is necessary to elect a member of the Commission under paragraph (c) of subsection (2) of this section, the Minister shall cause a notice to be published in the *Gazette*, and in such other manner (if any) as he may think fit, specifying the time and place at which the meeting of representatives of the insurance companies is to be held, and that meeting shall be held, and the election conducted thereat, in accordance with the rules prescribed in the third schedule.”.

Vacation of
office of
members of
Commission.

4 Section six of the Principal Act is amended by omitting from paragraph (f) the word “the” and substituting therefor the word “a”.

Proceedings
of the Com-
mission.

5 Section eight of the Principal Act is amended by inserting in subsection (3) after the word “Commission” the words “or there is no chairman”.

Duties and
powers of
Commission.

6 Section nine of the Principal Act is amended by omitting from paragraph (h) of subsection (2) the word “twenty-five” and substituting therefor the words “one hundred”.

7 Section eleven of the Principal Act is repealed and the following section is substituted therefor:—

Officers, &c.,
of Com-
mission.

“11—(1) The Commission shall appoint a secretary, and may appoint a technical officer and such other officers and employees as it may consider necessary.

“(2) The Commission may pay to any person appointed under this section such remuneration as it considers reasonable, and no person appointed under this section shall, by reason of that appointment, be subject to the provisions of the *Public Service Act 1923*.”.

Dissolution
and amalga-
mation of
boards.

8 Section fourteen of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:—

“(2) Where, in the opinion of the Commission, an area comprising or including the whole or part of two or more districts (in this section referred to as ‘ the existing districts ’) could with advantage be controlled by one board, the Governor may, by proclamation—

- (a) declare that area to be a district; or
- (b) alter or extend any of the existing districts so that it comprises that area.

“(2A) A proclamation under paragraph (a) of subsection (2) of this section has the like effect as a proclamation made under section twelve.

“(2B) A proclamation under subsection (2) of this section may—

- (a) abolish or vary any of the existing districts, assign a name to any district established by the proclamation, and alter the name of any existing district; and
- (b) dissolve the board of any district abolished by the proclamation.”.

9 Section sixteen of the Principal Act is repealed.

Continuation
of existing
boards.

10 Section nineteen of the Principal Act is amended by inserting in paragraph (b), after the words “ representatives of ”, the word “ fire ”.

Postpone-
ment of
elections.

11 Section twenty-one of the Principal Act is amended by omitting the words “ and enforce all necessary steps ” and substituting therefor the words “ such steps as it considers desirable and practicable ”.

Duties of
boards.

12 Section twenty-three of the Principal Act is repealed and the following section is substituted therefor:—

“ 23—(1) The Commission may lay down scales of charges for the services rendered by boards at fires, and, where any such services are so rendered by a board, a charge, determined in accordance with those scales, may become payable to the board under this section.

Charges for
services
rendered at
fires.

“(2) Subject to a determination made under subsection (3) of this section, the following persons are, for the purposes of this section, the persons liable in respect of any charge that may become payable under this section in respect of a fire, that is to say:—

- (a) The owner of any property that was destroyed or damaged in the fire; and
- (b) Where the fire occurred in any building, structure, erection, or other work (whether or not that building, structure, erection, or other work was destroyed or damaged in the fire), the owner and the occupier of that building, structure, erection, or other work and the owner of any property in, on, or attached to, that building, structure, erection, or other work; and

- (c) Where any trees, crops, or vegetation growing or standing on any land are or is destroyed or damaged by the fire, the owner and the occupier of that land.

“(3) Where by virtue of subsection (2) of this section, two or more persons would be the persons liable in respect of any one charge, the board, or an officer of the board authorized by it in that behalf, may determine that any of those persons shall be the person liable in respect of the whole or any part of that charge; and where a determination is so made that a person shall be the person liable in respect of the whole or part of any charge that person, to the exclusion of any other person, shall, for the purposes of this section, be the person liable in respect of the whole or that part of the charge, as the case may be.

“(4) Where a fire occurs in the district of a board that board may recover any charge that may become payable to the board under this section in respect of the fire, or a part of the charge, from any person liable in respect of that charge or that part thereof, as the case may be, if, but only if, any of the property by reason of the ownership or occupation of which that person was a person so liable was uninsured property.

“(5) Where a fire occurs outside the district of a board that board may recover the charge that may become payable to the board under this section in respect of the fire, or a part of the charge, from any person liable in respect of that charge or that part thereof, as the case may be.

“(6) Where it appears to a board that the collection of a charge that is recoverable by the board under this section would impose undue hardship on the person from whom it is recoverable, the board may remit the whole or any part of the charge.

“(7) In this section—

‘owner’, when used in relation to any property, includes any person having possession of that property;

‘property’ means—

- (a) goods, articles, materials, plant and machinery, ships, and chattels of any kind, other than live animals;
- (b) buildings, structures, erections, and other works, over, on, in, or under any land, and fixtures attached to any land or to any such building, structure, erection, or work;
- (c) trees, crops, or vegetation growing or standing on any land;

‘uninsured property’ means property that is not insured with an insurance company in respect of loss or damage by fire.”

13 Section twenty-four of the Principal Act is amended by omitting subsections (2), (2A), (3), (4), and (5).

Operations of brigade outside district.

14 Section twenty-six of the Principal Act is repealed and the following section is substituted therefor:—

“26—(1) On a request made to it by the Director of Public Health, or a municipality, a board shall furnish the Director, or that municipality, as the case may be, with such information or advice as he or it may require in relation to the protection from fire of places of assembly and places of public entertainment, within the meaning of Part V of the *Public Health Act 1962* and Division XIX of Part XVI of the *Local Government Act 1962* respectively.

Information as to protection of public buildings, &c.

“(2) The Commission shall furnish the Licensing Court with such information and recommendations as the Commission considers necessary in relation to the protection from fire of hotels and public-houses.”.

15 Section twenty-eight of the Principal Act is amended by omitting subsection (5).

Prevention of grass fires, &c.

16 After section twenty-eight of the Principal Act the following section is inserted:—

“28A—(1) A board may, if it thinks fit—

(a) employ any fire brigade maintained by it, or allow that fire brigade to be employed, in the performance of services other than fire-fighting, and use any equipment of the board, or allow any such equipment to be used, in the provision of those services; and

(b) hire out or lend to, or make available for the use of, any person, any equipment of the board.

Services outside fire-fighting.

“(2) A board may, in accordance with such scales as may be laid down by the Commission, recover charges in respect of any services rendered under this section, and in respect of the hiring out, lending, or making available, of any equipment thereunder.

“(3) Where it appears to a board that the collection of a charge that is recoverable by the board under this section would impose undue hardship on the person from whom it is recoverable, the board may remit the whole or any part of the charge.”.

17 Section thirty of the Principal Act is repealed.

Annual reports of boards.

18 Sections forty-two and forty-three of the Principal Act are repealed and the following sections substituted therefor:—

Annual contributions to expenditure of boards.

“42—(1) For the purpose of defraying the expenditure of the boards, contributions are required to be made to the Commission in accordance with this section in each financial year amounting in the aggregate to the aggregate of the approved estimates of the boards for that financial year, and, of the contributions so required to be made—

- (a) fifty per cent shall be borne by insurance companies;
- (b) twenty-five per cent shall be borne by the corporations of such municipalities as are, in whole or in part, included within a district; and
- (c) twenty-five per cent shall be paid by the Treasurer out of the Consolidated Revenue Fund.

“(2) The contribution required to be made under this section by an insurance company in any financial year shall be determined in accordance with the sixth schedule.

“(3) Where the whole or a part of a municipality comprises the whole of a district, the contribution required under this section from the corporation of that municipality in any financial year is twenty-five per cent of the approved estimate of the board for that district for that financial year.

“(4) Where a district comprises the whole or a part of two or more municipalities the aggregate of the contributions required to be made under this section by the corporations of those municipalities in any financial year is twenty-five per cent of the approved estimate of the board for that district for that financial year, and the portion of that aggregate to be contributed by the corporation of any one of those municipalities is, unless the councils of those municipalities, with the approval of the Commission, otherwise agree, an amount that bears to that aggregate the same proportion as the total annual value of such ratable property in that municipality as is within the district bears to the total annual value of all such property in those municipalities as is within that district.

“(5) As soon as practicable after approving, under section forty-one, the estimates of the boards for any financial year the Commission shall notify the Treasurer of the contribution required under this section to be paid out of the Consolidated Revenue Fund in that financial year, and shall notify each insurance company and municipality required to make contributions in that financial year of the amount of the contributions so required to be made by it.

“(6) Where the Commission receives any contributions under this Part from the Treasurer, or from an insurance company or municipality, it shall disburse those contributions amongst the boards in such manner as it considers appropriate.

“(7) In this section ‘approved estimate’, when used in relation to any financial year, means the estimate of the probable expenditure of a board for that financial year as approved by the Commission under section forty-one.

“43—(1) The contributions required under this Part from any insurance company or municipality in respect of any financial year shall be paid to the Commission by quarterly instalments of, so far as is practicable, equal amounts and, except as may otherwise be agreed between the Commission and that company or municipality, those instalments shall respectively fall due to be paid on the last days of the months of July, October, January, and April in that financial year.

Payment of contributions by insurance companies and municipalities.

“(2) Until the amount of the contributions due from an insurance company or municipality in respect of a financial year has been notified to that company or municipality any quarterly instalment due from that company or municipality on any date in that financial year shall, except as may otherwise be agreed between the Commission and that company or municipality, be of an amount equal to one-quarter of the contributions made under this Act by that company or municipality in the last preceding financial year.”.

19 Section forty-five of the Principal Act is repealed.

Contributions by fire insurance companies.

20 Section forty-six of the Principal Act is amended—

Returns by insurance companies.

(a) by omitting from subsection (1) all the words following the word “return” and substituting therefor the words “in such form as may be prescribed or the Commission may approve, containing such particulars as may be prescribed with reference to the insurance policies entered into or renewed by the company, and the premiums paid, received, or charged in account thereunder.”;

(b) by omitting subsection (2); and

(c) by omitting from subsection (3) all the words following the word “statement” and substituting therefor the words “of the matters referred to therein.”.

21 Section fifty-four of the Principal Act is amended—

Inspection and control of auxiliary fire brigades.

(a) by omitting from subsection (1) the words “fire brigades” and substituting therefor the words “the fire brigade”;

(b) by omitting from that subsection the word “established” and substituting therefor the word “registered”;

(c) by omitting from subsection (2) the words “fire brigades” and substituting therefor the words “the fire brigade”; and

(d) by omitting from that subsection the word “established” and substituting therefor the word “registered”.

Owner to give information as to insurance.

22 Section fifty-nine of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) On being requested so to do by a member of a board, or the chief officer or any other officer or member of a brigade, the owner of—

(a) any property that was destroyed or damaged in a fire;

(b) any property in or at which a fire occurred; or

(c) any property in, on, or attached to any building, structure, erection, or other work in, or in any property in, on, or attached to which, a fire occurred,

shall inform that member or officer whether that property is insured against loss or damage by fire and furnish him with such other particulars as he may require with respect to the insurance of that property against loss or damage by fire.”; and

(b) by adding at the end thereof the following subsection:—

“(3) Subsection (7) of section twenty-three applies in relation to this section as it applies in relation to that section.”.

Recovery of possession of premises from discharged, &c., member of brigade.

23 Section sixty-three of the Principal Act is amended by omitting the words “has been employed by a board in any capacity under this Act and has been discharged therefrom,” and substituting therefor the words “, having been employed by a board, ceases to be so employed”.

24 After section sixty-four of the Principal Act the following sections are inserted:—

Service of notices.

“64A—(1) Except as otherwise provided in this Act, a notice required or authorized by this Act to be served on or given to any person may be so served or given—

(a) by delivering it personally to that person;

(b) by leaving it at his usual or last-known place of abode; or

(c) by sending it by registered post addressed to him at his usual or last-known place of abode or business.

“(2) A notice required or authorized to be served on or given to the owner or occupier of any land or premises may be addressed to him as the owner or occupier of that land or those premises without further name or description.

Evidence as to certain matters.

“64B—(1) In proceedings for an offence alleged to have been committed under this Act or for the recovery of any charges alleged to be due thereunder, an averment that—

- (a) any land, building, or premises is, or was at any time, situated in or outside any district;
- (b) any person is, or was at any time, the owner or occupier of any land, building, or premises;
- (c) any person is, or was at any time, the agent of the owner or occupier of any land, building, or premises;
- (d) any person is, or was at any time, the owner or person in charge of any property;
- (e) any property was not insured against loss or damage by fire; or
- (f) a notice was under the hand of the chairman of a board,

is, until the contrary is shown, sufficient evidence of the facts so averred.

“(2) Where, in any proceedings for an offence alleged to have been committed under this Act, it is necessary to prove that any report or recommendation was made to the board or the chairman thereof, evidence that that report or recommendation was so made may be given by the production of a document that purports to be a copy of that report or recommendation and contains a certificate purporting to be signed by an officer of the board stating that the document is a true copy of that report or recommendation and stating the date on which that report or recommendation was made to the board or the chairman thereof, as the case may be.

“(3) Upon its production, any document purporting to be a copy of an entry in a minute book of the Commission or a board certified as a true copy of that entry by an officer of the Commission or the board, as the case may be, is, until the contrary is shown, sufficient evidence in any legal proceedings, of the proceedings appearing by the entry to have been taken.

“(4) Subsection (7) of section twenty-three applies in relation to this section as it applies in relation to that section.”

25 Section sixty-six of the Principal Act is amended by Regulations. omitting paragraph (h).

26 The second schedule to the Principal Act is amended—The second schedule.

- (a) by adding at the end of the heading the words “UNDER SUBSECTION (3) OF SECTION THREE.”;
- (b) by inserting in rule 1 after the word “purposes” the words “of subsection (3)”;
- (c) by omitting rules 2, 3, 4, 5, 6, and 7 and substituting therefor the following rules:—

“2. Within fourteen days of the publication of the notice in the *Gazette* under rule 1, the secretary of each board shall notify the returning officer in writing of the name of the member of that board who was elected as such by the councils of cities or municipalities.

“3. On receiving the notifications under rule 2 the returning officer shall prepare a voters’ roll containing in alphabetical order the names of the members of the boards so notified to him.

“4. No person whose name is not on the voters’ roll is eligible to become a candidate, or is entitled to vote, at the election.”;

- (d) by omitting from rule 7A the words commencing with the word “each” and ending with the words “voter is” and substituting therefor the words “the election a voter is, in respect of each board of which he is a member by virtue of being elected by the councils of cities or municipalities,”;
- (e) by omitting from paragraph (a) of that rule the words “the council to the board of which the voter is a member” and substituting therefor the words “those councils to the Commission in respect of that board”;
- (f) by omitting paragraphs 11, 12, and 13 and substituting therefor the following paragraphs:—

“11. If only one person is nominated for election, the returning officer shall as soon as practicable after the hour appointed for the closing of nominations, by notice published in the *Gazette*, declare that person to be elected, and he shall thereupon be deemed to have been elected accordingly.

“12.—(1) If no nomination is received at an election the Governor may appoint a person qualified to be nominated at the election a member of the Commission, and the person so appointed shall be deemed to have been elected a member of the Commission at the election.

“(2) The Minister shall cause a notice to be published in the *Gazette* of any person appointed under this rule.

“13. If two or more persons are nominated, a poll shall be taken by postal ballot in the manner prescribed by these rules on the date and at the time specified in the notice published in accordance with rule 1.”;

- (g) by omitting from sub-rule (3) of rule 14 the words “the number required to be elected” and substituting therefor the word “one”;
- (h) by omitting from that sub-rule the words “declare the remaining candidates to be elected.” and substituting therefor the words “, by notice in the *Gazette*, declare the remaining candidate to be elected, and he shall thereupon be deemed to have been elected accordingly.”;
- (i) by omitting from rule 17 the words “separate ballot-paper shall be issued for each election and every”; and
- (j) by omitting from Form I the words “*/fire insurance companies*” and the words “* Strike out whichever is inapplicable.”.

27 The third schedule to the Principal Act is amended— The third schedule.

(a) by inserting in the heading thereof, after the word “MEMBERS”, the words “OF THE COMMISSION AND”;

(b) by omitting rules 2, 3, and 4 and substituting therefor the following rules:—

“2. The same person may be the representative of more fire insurance companies than one.

“3. Each person attending the meeting has, in respect of each fire insurance company of which he is the representative, a number of votes ascertained in accordance with the following scale, that is to say:—

(a) Where the contribution made to the Commission under this Act by the fire insurance company in the immediately preceding financial year did not exceed five hundred pounds, one vote;

(b) Where that contribution exceeded five hundred pounds but did not exceed two thousand five hundred pounds, two votes;

(c) Where that contribution exceeded two thousand five hundred pounds, three votes.

“4. The secretary of the Commission shall certify to the chairman of the meeting the number of votes to which a person who is the representative of a fire insurance company is entitled in respect of that fire insurance company.”;

(c) by inserting in the heading of Part II thereof, after the word “MEMBERS”, the words “OF THE COMMISSION AND”;

(d) by inserting in rule 6, after the word “members”, the words “of the Commission or”;

(e) by omitting from rule 8 the word “At” and substituting therefor the words “Subject to rule 9, at”;

(f) by omitting from that rule the word “regulations” and substituting therefor the word “rules”; and

(g) by adding at the end thereof the following rule:—

“9.—(1) At an election where only two members are to be elected the references in rule 8 to the figures 1, 2, and 3 shall be construed as references to the figures 1 and 2.

“(2) At an election where only one member is to be elected every person entitled to vote, and voting, shall mark the ballot-paper supplied to him by placing the figure 1 opposite the name of the candidate for whom he desires to vote and paragraph (b) of rule 8 (so far as it relates to the marking of ballot-papers) and paragraph (da) of that rule do not apply to such an election.”.

28 The schedule contained in the schedule to this Act is added at the end of the Principal Act as the sixth schedule thereto. The sixth schedule.

THE SCHEDULE.

(Section 28.)

"THE SIXTH SCHEDULE.

"(Section 42 (2).)

"CONTRIBUTIONS BY FIRE INSURANCE COMPANIES.

"1. The contribution required from an insurance company for any financial year is a sum the amount of which bears to the total of the contributions required to be borne by insurance companies for that year under section forty-two the same proportion as the amount of the fire insurance premium income of that company for the preceding financial year bears to the aggregate of the amounts of the fire insurance premium incomes of all insurance companies for that preceding financial year.

"2.—(1) For the purposes of this schedule, but subject to the provisions thereof, the amount of the fire insurance premium income of an insurance company for any financial year shall be reckoned as the aggregate of the following amounts, that is to say:—

- (a) The aggregate of the amounts of the sums received by the company during that financial year by way of premiums under fire policies (not being policies referred to in clause (c) or clause (d) of this sub-paragraph);
- (b) Sixty per cent of the aggregate of the amounts of the sums received by the company during that financial year by way of premiums under insurance policies that make provision for insurance against the loss of, or damage to, any property caused by fire, other than fire policies, baggage policies, marine policies, television installation policies, and motor vehicle policies;
- (c) Two and one-half per cent of the aggregate of the amounts of the sums received by the company during that financial year by way of premiums under baggage policies and marine policies that are entered into by the insurance company in this State, exclusive of so much of those premiums as are attributable to the insurance of a ship or so much of the machinery, fittings, equipment, fuel, stores, and provisions thereof as are owned by a person assured under a marine policy; and
- (d) Ten shillings in respect of each television installation policy entered into or renewed by the company during that financial year.

"(2) Where the whole of the property that is the subject-matter of an insurance policy is property that is situated outside a district, or is property that is kept at a place so situated, the sums received by way of premiums under that policy shall be disregarded for the purposes of determining the aggregates referred to respectively in clauses (a) and (b) of sub-paragraph (1) of this paragraph and that policy shall be disregarded for the purposes of clause (d) of that sub-paragraph.

"(3) Sums received by way of premiums under any such insurance policy as is referred to in clause (a) or clause (b) of sub-paragraph (1) of this paragraph shall be disregarded for the purposes of determining the aggregates referred to in those clauses if at no time during the financial year is there in the State any property that is or forms part of the subject-matter of the insurance policy.

"4.—(1) Where an insurance company (in this paragraph referred to as the 'insuring company') enters into a contract (in this paragraph referred to as the 'reinsurance policy') with another insurance company (in this paragraph referred to as the 'reinsuring company') that makes provision for the payment of any sum in respect of any liabilities that may be incurred by the insuring company under an insurance policy (in

this paragraph referred to as 'the relevant policy') as a consequence of the occurrence of any loss of, or damage to, property, the reinsurance policy shall, for the purposes of this schedule, be itself treated as an insurance policy that makes provision for insurance against that loss or damage.

"(2) Where any sums received by way of premium under the relevant policy are applied in whole or in part in or towards the payment of premiums under the reinsurance policy the amount of those sums shall, for the purposes of this schedule, be deemed to have been reduced by the amount thereof so applied.

"(3) This paragraph does not apply—

- (a) in a case where the reinsurance policy is entered into outside the State; or
- (b) in a case where the relevant policy is a television installation policy.

"4. Where any sum is received or paid by an insurance company by way of a premium under an insurance policy and, in determining the amount of that sum, any deduction or allowance is made by way of, or in the nature of, commission, discount, or brokerage, the amount of that sum shall, for the purposes of this schedule, be reckoned as if it were increased by the amount of that deduction or allowance.

"5.—(1) In this schedule—

'baggage policy' means an insurance policy entered into by a person for the insurance of his personal or household effects during their conveyance from one place to another;

'marine policy' means a contract of marine insurance within the meaning of the *Marine Insurance Act 1909* of the Commonwealth, and includes any policy to which any of the provisions of that Act apply;

'motor vehicle' has the same meaning as it has for the purposes of the *Traffic Act 1925*;

'motor vehicle policy' means an insurance policy that makes provision for insurance against the loss of, or damage to, a motor vehicle, but does not make provision for insurance against the loss of, or damage to, any other property, except the accessories, fittings, equipment, and other property attached to or used with that motor vehicle;

'property' has the same meaning as it has for the purposes of section twenty-three;

'television installation policy' means an insurance policy that makes provision for insurance against the loss of, or damage to, a television receiver, but does not make provision for insurance against the loss of, or damage to, any other property, except any antenna, fittings, wiring, or other equipment used solely or mainly for the purpose of operating that television receiver.

"(2) For the purposes of this schedule an insurance policy shall be treated as a fire policy if, but only if, it makes provision for insurance against the loss of, or damage to, any property caused by fire, and does not make provision for insurance against the loss of, or damage to, that or any other property arising from any other cause, except a cause that the Commission determines shall be treated as an extraneous risk for the purposes of this sub-paragraph.

"(3) The Commission may make a determination for the purposes of sub-paragraph (2) of this paragraph either generally or in respect of the sums received or paid by way of premiums during any particular financial year, and a determination may be so made in respect of those sums before the commencement of, during, or after the expiration of, that financial year.

"(4) An insurance policy shall, for the purposes of this schedule be deemed to make provision for insurance against the loss of, or damage to, any property or the loss of, or damage to, any property arising from any cause if any sum will, or may, become payable under the policy by

way of compensation or indemnity for the loss or damage, notwithstanding that there may be circumstances or cases in which no such sum will become payable under the policy or that sums may become payable under that policy in respect of any other loss of, or damage to, property or on the happening of any other event.

“(5) Subject to paragraph 3 of this schedule, where an insurance policy makes provision for the indemnification of a person against any liability that he may incur arising from the loss of, or damage to, any property, or for the making of any payment to that person in respect of such a liability, that policy shall not, by reason only of the inclusion therein of such a provision, be treated for the purposes of this schedule as a policy that makes provision for insurance against that loss or damage.

“(6) For the purposes of this schedule any sum received by a person as agent of an insurance company shall be deemed to have been paid to and received by that company, and where any sum is in any manner charged in account by a company or its agent that sum shall be deemed to have been paid to and received by the company.”.

SURVEY CO-ORDINATION.

No. 31 of 1964.

AN ACT to amend the *Survey Co-ordination Act 1944.* [20 November 1964.]

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 *Survey Co-ordination Act 1964.*

(2) The *Survey Co-ordination Act 1944*, as subsequently amended, is in this Act referred to as the Principal Act.

Nomenclature
Board.

2 Section twenty A of the Principal Act is amended by omitting subsections (2) and (3) and substituting therefor the following subsections:—

- “(2) The Board shall consist of ten members of whom—
- (a) one shall be the Surveyor-General who shall be the chairman of the Board;
 - (b) one shall be the Mapping Officer of the Lands and Surveys Department;
 - (c) one shall be the Mapping Officer of the Forestry Commission;
 - (d) one shall be the Town and Country Planning Commissioner; and
 - (e) six shall be appointed by the Governor.

“(3) Of the persons appointed as members of the Board under paragraph (e) of subsection (2) of this section—

- (a) one shall be a senior officer of the Mines Department;