

## THE THIRD SCHEDULE.

(Section 27.)

## TRANSITORY PROVISIONS.

1. Every person whose name was entered on the register before the commencement of this Act shall be deemed to have been granted full registration.

2. Paragraph 1 of this schedule does not apply in respect of the entry of the name of a person in the register if his name was subsequently removed to the supplementary register under paragraph (a) of section thirty-nine of the Principal Act.

3. A special licence granted under section nineteen of the Principal Act has the like effect as a limited registration granted under subsection (7) of section nineteen of the Principal Act, as amended by this Act and any limitations to which the right to practise medicine or surgery conferred by that licence was subject pursuant to any provision of section nineteen of the Principal Act (as it had effect before the commencement of this Act) shall, so far as those limitations have effect immediately before the commencement of this Act, be deemed to have been imposed on that registration pursuant to the corresponding provision of that section as amended by this Act.

4. A certificate of provisional registration granted under section twenty-three of the Principal Act (as it had effect before the commencement of this Act) has the like effect as a limited registration granted under that section as amended by this Act upon which is imposed the limitations specified in subsection (2) of that section as so amended.

5. In this section references to the register shall be construed as references to the register of legally-qualified medical practitioners required to be kept by the Council before the commencement of this Act.

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**FRUIT BOARD.**


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**No. 37 of 1966.**AN ACT to amend the *Fruit Board Act 1934*.

[11 November 1966.]

**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,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Fruit Board Act 1966*.

(2) The *Fruit Board Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

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

**2** Section three of the Principal Act is amended—Interpre-  
tation.

(a) by inserting, before the definition of “deleterious substance”, the following definition:—

“‘base figure’ means a base figure fixed in accordance with subsection (3) of section fourteen E;”;

(b) by inserting, after the definition of “deleterious substance”, the following definition:—

“‘division’ means the Northern Division or the Southern Division of the State;”;

(c) by omitting the definition of “fruit grower” and substituting therefor the following definition:—

“‘licence’ means a licence granted under section fourteen D;”;

(d) by omitting the definition of “orchard”;

(e) by inserting, after the definition of “package”, the following definitions:—

“‘registrar’ means the registrar appointed by the Board;

‘returning officer’ means the returning officer appointed by the Board;”;

(f) by adding, after the definition of “sell”, the following definition:—

“‘year’ means a period of twelve months commencing on the first day of July.”; and

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

“(2) References in this Act to an occupier of any land shall be construed as including references to a person who occupies that land, or any part thereof, jointly, or in common, with any other person and to a person who occupies part of that land.”.

**3** Section nine of the Principal Act is repealed and the following section is substituted therefor:—

“9 Six members of the Board shall be persons elected in accordance with this Act to represent the Southern Division of the State and three members of the Board shall be persons so elected to represent the Northern Division of the State.”.

Fruit  
Districts.**4** Section ten of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—Qualifica-  
tion of  
members.

“(1) Except as otherwise provided, any person who has attained the age of twenty-one years and is the holder of a licence or one of the holders of a licence issued in respect of land within a division of the State is eligible to be elected and to hold office as a member of the Board to represent that division.”.

Nomina-  
tions.

**5** Section eleven of the Principal Act is amended—

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

“(1) Any two persons eligible to be elected as members of the Board to represent any one division of the State may nominate any other person so eligible for election as a member of the Board to represent that division.”; and

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

“(3) If nominations are lodged in accordance with subsection (2) of this section for the election of the same person to represent both divisions neither nomination is of any effect.”.

**6** Sections thirteen and fourteen of the Principal Act are repealed and the following sections are substituted therefor:—

Register of  
licences.

“13—(1) The registrar shall for each year maintain a register of licences granted in respect of land situated in the Southern Division of the State for that year and a register of licences granted in respect of land situated in the Northern Division of the State for that year.

“(2) Each register shall in respect of each licence specify—

(a) the name of the holder of the licence;

(b) an address for service of notices; and

(c) the base figure for the land in respect of which the licence was granted.

“(3) For the purposes of subsection (2) of this section, address for service of notices in respect of a licence means, subject to subsection (4) of this section, the address specified as that address in the application on which the licence was granted.

“(4) The holder of a licence may at any time notify the registrar of an alteration in the address for service of notices and thereupon that address becomes the address for service of notices in respect of the licences held by that person and the registrar shall amend the register accordingly.

Right to vote  
at elections  
and polls.

“14—(1) Subject to this section, at an election or a poll under this Act there is assigned to the holder of each licence a number of votes determined, in accordance with the scale contained in the second schedule, by reference to the base figure for the land in respect of which the licence was granted for the year for which it was granted.

“(2) Where, pursuant to this section, votes are assigned to the holder of a licence at an election or poll under this Act that holder is entitled to vote at that election or poll, except that, if a licence is held by two or more persons, only one of those persons is entitled to vote at that election or poll.

“(3) Subject to subsection (4) of this section, where two or more licences are held by the same person subsections (1) and (2) of this section have effect in relation to those licences as if they were a single licence granted for the year for which they were granted in respect of land the base figure for which is the aggregate of the base figures for that year for the lands in respect of which the licences were granted.

“(4) At an election of a member of the Board to represent a division of the State licences held in respect of land in the other division of the State shall be disregarded.

“(5) In relation to an election or poll under this Act references in this section to the holder of a licence shall be construed as references to the person who is the holder of that licence on the twenty-eighth day before the day appointed for that election or poll.

“14A—(1) The Board shall appoint a suitable person to be returning officer for the purposes of elections and polls under this Act. Procedure for voting at elections and polls.

“(2) For the purposes of every election or poll under this Act the returning officer shall send by post, as prescribed, to the holders of licences postal ballot papers for that election or poll in the prescribed form.

“(3) Votes shall be recorded at an election or poll under this Act by recording those votes on the postal ballot papers referred to in subsection (2) of this section in the manner prescribed and returning those ballot papers, as prescribed, to the returning officer.

“(4) Votes at an election under this Act shall be counted in accordance with the appropriate provisions of the *Electoral Act 1907*.

“14B—(1) No person who is entitled to vote at an election under this Act shall fail, without valid and sufficient cause, to record his vote at that election. Compulsory voting at elections.

Penalty: Four dollars.

“(2) Where a person entitled to vote at an election under this Act has failed to vote at that election, the returning officer shall send or deliver to him, as prescribed, a notice in the prescribed form and take the prescribed steps in relation thereto, and the regulations may empower the returning officer to impose a prescribed penalty on the prescribed conditions in lieu of taking legal proceedings in respect of the failure.

“(3) Where at an election under this Act votes are assigned to the holder of a licence and that licence is held by two or more persons each of those persons shall, for the purposes of this section, be deemed to be entitled to vote at that election unless he has agreed with another of those persons that that other person shall vote at that election in respect of that licence.”

**7** After Part III of the Principal Act the following Part is inserted:—

“ PART IIIA.

“ LICENSING OF USERS OF LAND FOR PRODUCTION OF FRUIT.

Prohibition on use of land for production of fruit without licence.

“ 14C—(1) Except under the authority of a licence, no person shall use land in either division for the production of fruit if, from all the land in that division being used by that person for the production of fruit, there was produced, during the year in which that land is so used or during the last preceding year, more than four hundred bushels of fruit.

Penalty: Five hundred dollars and a further daily penalty of fifty dollars.

“(2) For the purposes of subsection (1) of this section, fruit produced from trees less than seven years old shall be disregarded.

“(3) For the purposes of this section, but without prejudice to the generality of the provisions thereof, a person who occupies any land upon which trees are growing shall be deemed to be using the land for the production of the fruit obtainable from those trees in due season.

Licences to use land for production of fruit.

“ 14D—(1) On an application made, in the prescribed manner, by a person who satisfies the Board that he has sufficient interest in any land to use that land for the production of fruit from trees growing thereon, the Board shall, on the payment of a fee determined in accordance with section fourteen E, grant to that person a licence to use that land, during the year specified in the application, for the production of fruit.

“(2) The Board may allow the fee required to be paid on the grant of a licence to be paid by instalments of such amount and payable at such times as it may determine, and where it so allows, it shall, notwithstanding anything in subsection (1) of this section, grant that licence on the payment of the first of those instalments.

“(3) Where the Board has allowed the fee required to be paid on the grant of a licence to be paid by instalments, and any of those instalments is not paid within a period of twenty-eight days following the day on which it became payable, that licence ceases to be of effect, unless the Board remits the payment of that instalment.

Determination of licence fees.

“ 14E—(1) The amount of the fee required to be paid for the grant of a licence in respect of any land for a year is a sum assessed at the current rate declared for that year under this section on the base figure for that land for that year determined in accordance with this section.

“(2) The Governor may, by order, declare the current rate for any year for the purposes of this section, being a rate not greater than a rate of one dollar for every four hundred bushels.

“(3) Subject to this section, on an application for a licence in respect of any land for any year, the Board shall fix finally and conclusively the base figures for that land for that year.

“(4) In fixing for the purposes of this section the base figure for any land for any year the Board shall fix that figure as such number of bushels of fruit—

- (a) as it considers represents a number of bushels of fruit one-fifth greater than the average of the number of bushels of fruit produced on that land during each of the last four preceding years; or
- (b) if no fruit has been produced from that land during any of those years or insufficient information is obtained by the Board with regard to the quantity of fruit produced on that land in any of those years, as it considers is just and reasonable in the circumstances.

“(5) Where any committee or other association of persons receives returns that indicate the quantity of fruit produced on any land and from those returns a figure is fixed, by or at the direction of that committee or association, in respect of that land, being a figure that the Board considers, having regard to the manner in which it was so fixed, sufficiently represents the base figure for that land for any year, the Board may fix that figure to be the base figure for that land for that year, and in so doing shall be deemed to have complied with the requirements of subsection (4) of this section.

“(6) Where a licence has been granted to any person in respect of any land for any year and that licence ceases to have effect before the expiration of that year no fee is payable for a licence subsequently granted to any other person for that year in respect of that land or any part thereof.

“14F—(1) The holder of a licence may surrender his licence to the Board and, on being so surrendered, the licence ceases to have effect. Surrender and transfer of licences.

“(2) A licence may be transferred in such manner as may be prescribed.

“(3) On the death of a person who holds a licence that licence shall be deemed to have been transferred to his legal personal representatives, and, where a licence is held by two or more persons that licence shall, on the death of one of those persons, be deemed to have been transferred to his legal personal representatives and the others of those persons.”

**8** Section fifteen of the Principal Act is amended by omitting paragraph (b) and substituting therefor the following paragraph:— Funds of the Board.

“(b) all fees paid for licences granted under this Act;”

**9** Sections sixteen and seventeen of the Principal Act are repealed. Acreeage tax.

Powers of  
the Board.

**10** Section twenty of the Principal Act is amended by omitting from subsection (4) the words "of the fruit growers" and substituting therefor the words "under this Act".

Marketing  
schemes.

**11** Section twenty A of the Principal Act is amended—

- (a) by omitting from subsection (4) the words "not less than one hundred registered fruit growers" and substituting therefor the words "the holders of not less than one hundred licences";
- (b) by omitting from that subsection the words "of registered fruit growers be taken" and substituting therefor the words "be taken under this Act";
- (c) by omitting from paragraph (b) of that subsection the words "registered fruit growers" (first occurring) and substituting therefor the words "persons entitled to vote at the poll";
- (d) by omitting from that paragraph the words "registered fruit growers" (second occurring), and substituting therefor the words "persons so entitled"; and
- (e) by omitting the proviso to that subsection.

Remission  
of fees.

**12** Section twenty-seven of the Principal Act is amended by omitting the words "any acreage tax, or".

Returns by  
growers of  
fruit.

**13** Section twenty-nine of the Principal Act is amended by adding at the end thereof the following subsections:—

"(5) The Board may, by notice in writing served on a member or officer of such a committee or association as is referred to in subsection (5) of section fourteen E, require him, within such time as may be specified in the notice, to furnish the Board with—

- (a) copies of any such returns as are referred to in that subsection that have been received by that committee or association; or
- (b) information with respect to any figures fixed by or at the direction of that committee with reference to any information contained in those returns or the manner in which those figures were fixed.

"(6) Any person who fails to comply with any requirement made on him under this section is guilty of an offence and liable to a penalty of one hundred dollars."

Expiry  
of Act.

**14** Section thirty-three of the Principal Act is repealed.

First  
schedule.

**15** The schedule to the Principal Act is amended by inserting in the heading thereof, after the word "THE", the word "FIRST".

**16** The Principal Act is amended by adding after the schedule thereto the schedule contained in the schedule to this Act. <sup>Second schedule.</sup>

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THE SCHEDULE.

(Section 16.)

“ THE SECOND SCHEDULE.

“(Section 14.)

Base figure.	Votes assigned.
Exceeding 400 bushels, but not exceeding 4,000 bushels ....	One
Exceeding 4,000 bushels, but not exceeding 10,000 bushels	Two
Exceeding 10,000 bushels, but not exceeding 20,000 bushels	Three
Exceeding 20,000 bushels, but not exceeding 40,000 bushels	Four
Exceeding 40,000 bushels .....	Five.”.

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JUSTICES.

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No. 38 of 1966.

AN ACT to amend the *Justices Act* 1959.

[11 November 1966.]

**B**E 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 *Justices Act* 1966.

Short title  
and citation.

(2) The *Justices Act* 1959, as subsequently amended, is in this Act referred to as the Principal Act.