

## FRUIT BOARD.

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### No. 73 of 1948.

## AN ACT to amend the *Fruit Board Act 1934*. [15 December, 1948.]

**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:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Fruit Board Act 1948*.

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

New Part  
VIA.

**2** After Part VI. of the Principal Act the following Part is inserted:—

#### “ PART VIA.

##### HAIL INSURANCE.

Compulsory  
hail  
insurance.

24A. Subject to this Part, every fruit grower shall, on or before the tenth day of January in the year 1950 and in every subsequent year, insure the fruit grown by him with the Tasmanian Government Insurance General Manager (in this part referred to as ‘the General Manager’) against loss or damage by hail.

Penalty: One hundred pounds.

Hail  
insurance  
only to be  
taken with  
Government  
office.

24B.—(1) Except as provided by subsection (2), no person, other than the General Manager, shall, after the commencement of this Part, issue in respect of fruit any policy, or enter into any contract, of insurance against loss or damage by hail.

(2) Notwithstanding anything contained in subsection (1), any insurer carrying on in this State the business of fire, accident, or marine insurance (in this Part referred to as an ‘authorised insurer’), may accept proposals, issue policies of insurance, receive premiums, and adjust premiums, under this Part, on behalf of the General Manager.

Returns.

24C. Every fruit grower shall, within such time as may be fixed by the General Manager, with the approval of the Minister, forward to the General Manager, such returns containing such information with respect to the fruit grown or to be grown by him as the General Manager requires.

\* 25 Geo. V. No. 49. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 180. Subsequently amended by 2 Geo. VI. No. 18 and 6 Geo. VI. No. 67.

24D. The following provisions shall apply to every policy of hail insurance issued by the General Manager under this Part (in this section referred to as 'the policy') :—

Provisions  
applying  
to hail  
insurance.

- (a) except where otherwise expressly provided, the provisions of the *Tasmanian Government Insurance Act 1919\** shall apply to the policy;
- (b) the policy shall insure the fruit in respect of which it is issued while growing on the trees, from the formation of the fruit after the falling of the blossom, until harvested;
- (c) the amount of insurance shall be two shillings and sixpence for each bushel;
- (d) the premium payable under the policy shall be one penny per bushel or such lesser amount as may be fixed by the General Manager, and shall be paid to the General Manager on demand;
- (e) the policy shall be taken out for such number of bushels of fruit as are estimated by the fruit grower, on the thirty-first day of December in each year to be likely to be produced by the trees grown by him; but if any loss or damage occurs before such number of bushels is or can be estimated, the policy shall be taken out for a number of bushels of fruit equal to the average number of bushels of fruit produced by the trees grown by the fruit grower during the three years immediately preceding the occurrence of such loss or damage;
- (f) every fruit grower shall, not later than the thirtieth day of June in each year, notify the General Manager of the number of bushels of fruit actually produced by him, and if it is then found that the number of bushels in respect of which the policy was taken out was smaller or greater than the number actually produced, the fruit grower shall be entitled to a refund of the amount of premium overpaid, or, as the case may be, the fruit grower shall pay to the General Manager the amount of premium underpaid;
- (g) all losses or damage in respect of fruit covered by the policy shall be notified to the General Manager within three days after the happening thereof;
- (h) all losses or damage notified by a fruit grower as provided by paragraph (g) shall be assessed by assessors appointed by the General Manager, who shall forward their assessments in writing to him;

\* 10 Geo. V. No. 63. See Reprint of Statutes, Vol. IV., p. 809.

- (i) if the General Manager or the fruit grower disputes any assessment, the dispute shall be referred to two independent assessors, one to be appointed by the General Manager and one by the fruit grower, who shall, before proceeding with the assessment, appoint, by mutual agreement, an umpire;
- (j) if the two independent assessors appointed as provided by paragraph (i) are unable to agree on the amount of the loss or damage, then the matter shall be referred to the umpire, whose decision shall be binding on both the General Manager and the fruit grower and shall not be subject to any appeal;
- (k) the costs of all references under paragraphs (i) and (j) shall be borne by the General Manager but shall not include any legal costs or fees incurred by the fruit grower;
- (l) the reasonable costs of all assessments under the policy shall be borne by the General Manager;
- (m) all damaged fruit shall remain the property of the fruit grower;
- (n) where the full amount of the insurance has been paid in respect of the fruit covered by the policy, no further amount for any subsequent damage to the same fruit shall be payable under the policy;
- (o) if part only of the insurance under the policy has been paid, then only the balance, or so much of the balance as is ascertained, shall be paid for any subsequent damage to the fruit;
- (p) notwithstanding anything contained in this section the General Manager may postpone the assessment of damage to fruit until shortly before the usual harvesting time for each variety of the fruit, if it appears to the General Manager that a more accurate assessment can then be made, and the General Manager may, if he thinks fit, defer any payment under the policy until after the fruit has been harvested;
- (q) notwithstanding anything contained in the foregoing provisions of this section, the amount of compensation against loss or damage payable under any policy under this Part shall not, in any case, exceed the limit of value set out in the proposal for such policy and upon which the premium is paid;
- (r) no stamp duty shall be payable on the policy;
- (s) except as provided by this section, the policy may contain such terms and conditions as the General Manager thinks necessary or desirable.

24E. Except as provided in this Part, no remission or rebate shall be allowed to any person in respect of acceptance of any proposal, the receipt or adjustment of any premium, or the issue of any policy, under this Part.

No remission, &c., to be allowed in respect of policies, &c., under this Part.

24F.—(1) For the purposes of this Part, an account shall be established in the books of the Tasmanian Government Insurance Office, to be known as the 'Hail Insurance Fund' (in this section referred to as 'the fund').

Financial provisions.

(2) All premiums and other moneys received by the General Manager under this Part shall be paid into the fund.

(3) All moneys received by an authorised insurer, except for any deduction as hereinafter provided, shall be paid to the General Manager within fifteen days after the commencement of the month following that in which those moneys were received, and the receipt of the General Manager therefor shall be a full discharge for all moneys so paid; but the authorised insurer may deduct from any premiums received by him a sum not exceeding five per cent of the amount of each such premium, and, in any case where a refund is made in pursuance of paragraph (f) of section twenty-four D the authorised insurer shall return to the General Manager five per cent of the amount of any refund so made. The General Manager shall pay to the authorised insurer an amount equal to the total amounts of any refunds made by the authorised insurer under the said paragraph within twenty-one days after the commencement of the month following that in which such refunds were made by the authorised insurer.

(4) Every authorised insurer shall keep proper records and accounts of all premiums received or refunded and shall supply to the General Manager returns of such transactions as may be required by him within twenty-one days after being required by the General Manager so to do.

(5) All payments for losses and for expenses incurred by the General Manager in the administration of this Part, shall be paid out of the fund.

(6) The fund shall not be incorporated in the accounts of the Tasmanian Government Insurance Office under the *Tasmanian Government Insurance Act 1919\**.

(7) All moneys in the fund which, 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 realised, hypothecated, or otherwise disposed of as the General Manager thinks fit.

(8) Any sum which the Treasurer may at any time certify to be required to meet any payment under any policy issued under this Part, so far only as the same cannot be met out of the fund, shall be paid out of the Consolidated Revenue without any further appropriation than this Part.

\* 10 Geo. V. No. 63. See Reprint of Statutes, Vol. IV., p. 809.

(9) Any sum so appropriated shall be deemed to be an advance to the fund, and shall be repaid out of moneys at any time available in the fund.

Saving.

24G. Except as expressly provided, this Part shall not affect the operation of any provisions of the *Tasmanian Government Insurance Act 1919\**."

Poll of  
fruitgrowers.

**3** This Act shall come into operation only if upon a poll of fruit growers registered under section thirteen of the Principal Act, a majority of the votes cast at such poll are cast in favour of the provisions of this Part.

\* 10 Geo. V. No. 63. See Reprint of Statutes, Vol. IV., p. 893.

## HOBART BRIDGE (ACQUISITION AND ADMINISTRATION).

No. 74 of 1948.

AN ACT to amend the *Hobart Bridge (Acquisition and Administration) Act 1944*.  
[15 December, 1948]

**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:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Hobart Bridge (Acquisition and Administration) Act 1948*.

(2) The *Hobart Bridge (Acquisition and Administration) Act 1944\**, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Part IV. of the Principal Act is repealed and the following Part is substituted therefor:—

### “ PART IV.

#### ACQUISITION OF SHARES IN DERWENT INVESTMENTS PROPRIETARY LIMITED.

Acquisition  
of shares in  
*Derwent  
Investments  
Proprietary  
Limited*.

**30**.—(1) For the purposes of this Act the whole of the shares in the capital of *Derwent Investments Proprietary Limited* (in this Part referred to as “the company”) shall be acquired by the Minister on behalf of the State as on and from the fifteenth day of January, 1949 (in this Part referred to as “the vesting date”).

\* 8 & 9 Geo. VI. No. 20, as amended by 10 Geo. VI. No. 8 and 11 Geo. VI. No. 69