

THE SCHEDULE.

(Section 6 (1).)

Sections amended.

Section three;
Section four;
Section six; and
Subsections (1) and (2) of section eight.

TASMANIAN GOVERNMENT INSURANCE.

No. 35 of 1971.

AN ACT to amend the *Tasmanian Government Insurance Act 1919* and certain other enactments affecting the Tasmanian Government Insurance Office. [24 August 1971.]

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 com-
mencement.

1—(1) This Act may be cited as the *Tasmanian Government Insurance Act 1971*.

(2) The *Tasmanian Government Insurance Act 1919*, 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 two of the Principal Act is amended—Interpre-
tation.

(a) by inserting after the definition of “accident insurance” the following definition:—

“‘Board’ means the Tasmanian Government Insurance Board;”;

(b) by inserting after the definition of “carry on” the following definition:—

“‘Deputy General Manager’ means the Deputy General Manager of the Tasmanian Government Insurance Office;” and

(c) by omitting the definition of “General Manager” or “Manager” and substituting therefor the following definition:—

“‘General Manager’ means the General Manager of the Tasmanian Government Insurance Office;”.

3 Section three of the Principal Act is amended by omitting all the words following the words “the Minister by” and inserting “a board established under this Act to be known as the Tasmanian Government Insurance Board.”

Tasmanian
Government
Insurance
Office.

4 Sections four, five, six, seven, and eight of the Principal Act are repealed and the following sections are substituted therefor:—

“4—(1) The Tasmanian Government Insurance Board shall be a body corporate with perpetual succession and a common seal.

Tasmanian
Government
Insurance
Board.

“(2) The Board shall consist of four persons appointed by the Governor of whom—

(a) one shall be a person who appears to the Governor experienced in insurance matters;

(b) one shall be a person who appears to the Governor experienced in financial matters;

(c) one shall be a legal practitioner; and

(d) one shall be an actuary.

“(3) Where a member of the Board is required to be appointed pursuant to either paragraph (a) or paragraph (d) of subsection (2) of this section and the Governor is satisfied that it is impracticable to make the appointment in accordance with that paragraph he may, instead, appoint as a member of the Board some person whom, in the circumstances, he considers suitable.

“(4) A person appointed a member of the Board shall be so appointed for a term, not exceeding three years, specified in his instrument of appointment.

“(5) The chairman and deputy chairman of the Board shall be such members thereof as the Governor may appoint in that behalf.

“(6) The members of the Board are not, as such, subject to the *Public Service Act* 1923, but an officer of the Public Service may hold office as a member of the Board in conjunction with his office as an officer of the Public Service.

“(7) A member of the Board shall be paid such fees and allowances as the Governor may determine and as may be specified in his instrument of appointment, and shall be paid such sums by way of reimbursement of the expenses incurred by him in the execution of his duties as the Governor may approve.

“(8) No determination shall be made, or approval given, for the purpose of subsection (7) of this section, in respect of a member of the Board who is an officer of the Public Service to whom the *Public Service Act* 1923 applies except on the recommendation of the Public Service Commissioner.

“(9) Any sums required to be paid under subsection (7) of this section shall be so paid out of the Tasmanian Government Insurance Account.

Vacation of office of members of the Board.

“5—(1) The Governor may remove any member of the Board from office if he is satisfied that that member—

- (a) has become incapable of carrying out the duties of his office;
- (b) has been guilty of misconduct or negligence in the carrying out of those duties, or is incompetent to carry out those duties;
- (c) has obtained or attempted to obtain any special benefit for himself or his employer, or a company of which he is a member;
- (d) has contravened the provisions of subsection (5) of section six;
- (e) without leave of the Minister, has been absent from three or more consecutive meetings of the Board;
- (f) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (g) has been convicted (whether in this State or elsewhere) of an offence of such a nature that renders it improper for him to continue to hold his office.

“(2) No person who is a member of either House of Parliament of this State or of the Commonwealth shall be appointed a member of the Board, and if a member of the Board is nominated for election for any of such Houses of Parliament he vacates his office as member of the Board.

“(3) The Governor shall not remove a member of the Board otherwise than in accordance with this section.

Proceedings of the Board.

“6—(1) The Board shall hold such meetings as in the opinion of the chairman thereof are necessary for the efficient conduct of its business, and a meeting of the Board shall be held at any time if requested by any two members thereof.

“(2) The chairman of the Board or, if he is absent or there is no chairman, the deputy chairman, shall preside at meetings of the Board.

“(3) Three members of the Board constitute a quorum at any meeting of the Board.

“(4) The chairman or other person 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 stands adjourned to the next meeting of the Board; but, where that matter is so adjourned and the voting thereon at the meeting to which it is adjourned (being a meeting at which all the members of the Board are present) is again equal, the chairman of the Board may exercise a second or casting vote.

“(5) A member of the Board who is interested in any way, whether directly or indirectly, in any contract, agreement, or transaction entered into, or proposed to be entered into, by the Board shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting.

“(6) The secretary of the Board has the custody of the common seal of the Board, and every sealing with that seal shall be authenticated by the signatures of the chairman and secretary of the Board or by the signatures of any two members of the Board and the secretary of the Board.

“(7) The Board shall cause minutes to be kept of each of its meetings.

“(8) Subject to this Act the Board may regulate its own proceedings.

“7—(1) The Governor, on the recommendation of the Board, may appoint—

- (a) a General Manager of the Tasmanian Government Insurance Office;
- (b) a Deputy General Manager of the Tasmanian Government Insurance Office; and
- (c) a secretary of the Board,

General
Manager
and other
officers.

and such other officers as appear to the Governor to be required for the business of the Tasmanian Government Insurance Office.

“(2) The General Manager is the chief executive officer of the Board and is responsible to the Board for the administration and management of the Tasmanian Government Insurance Office in accordance with the directions given to him by the Board.

“(3) The *Public Service Act* 1923 does not apply to the General Manager, the Deputy General Manager, the secretary of the Board, or the other officers appointed under this section.

“(4) The General Manager, the Deputy General Manager, and the secretary of the Board shall be paid such salary and allowances, and the other officers appointed under this section shall be paid such salary, commission, or other remuneration as the Governor, on the recommendation of the Board, determines.

“(5) Any salary, allowances, commission, or other remuneration paid under this section shall be paid out of the Tasmanian Government Insurance Account.

“(6) If an officer of the Public Service is appointed to an office under this section he is entitled to retain all his existing and accruing rights as if his service in that office were a continuation of his service as an officer of the Public Service; and where a person ceases to hold office under this section his service in that office shall be regarded as service in the Public Service of the like nature for the purposes of determining his rights as an officer of the Public Service.

Delegation of functions, etc.

“8—(1) The Board may delegate to the General Manager the exercise of any of its functions under this Act, except the power conferred on it by this subsection.

“(2) A delegation under this section may be revoked or varied at any time by the Board, and no such delegation prevents the exercise of any function by the Board.

“(3) A delegation under this section may be made subject to conditions and restrictions, and may be made generally or in relation to any particular case or class of cases.

“(4) Any act done by the General Manager in the exercise of any functions delegated to him under this section has the like effect as if it were done by the Board.

“(5) Subject to any directions given by the Board, the Deputy General Manager may exercise any of the functions of the General Manager (whether those functions are exercised by the General Manager by virtue of a delegation under this section or otherwise) and any act done by the Deputy General Manager in the exercise of those functions has the like effect as if it were done by the General Manager.”.

Members and officers bound to secrecy.

5 Section eleven of the Principal Act is amended—

(a) by omitting from subsection (1) the word “The” (first occurring) and substituting therefor the words “Each member of the Board, the”; and

(b) by inserting in that subsection, after the word “Manager,” (second occurring), the words “secretary of the Board,”.

Power of Treasurer to make advances to the General Manager.

6 Section twenty-three of the Principal Act is repealed.

Separate accounts for each class of business.

7 Section twenty-seven of the Principal Act is repealed.

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

Accounts and reports.

“29—(1) The Board shall keep such accounts and prepare such statements in relation thereto, in such form and containing such particulars, as the Treasurer may direct.

“(2) The accounts of the Board are subject to the *Audit Act 1918*.

“(3) Before the first day of October in any year the Board shall—

- (a) submit to the Auditor-General for the purposes of audit a statement of its accounts for the last preceding financial year; and
- (b) submit to the Minister a report on the administration of the Tasmanian Government Insurance Office during that year together with a copy of the statement of accounts submitted to the Auditor-General under this subsection.

“(4) The Minister shall cause a copy of each report and statement of accounts submitted to him under this section to be laid before each House of Parliament within the next fifteen sitting days of that House after the receipt thereof.”.

9 Section thirty-one of the Principal Act is amended by omitting sub-paragraphs (i), (ii), and (iii) of paragraph (a) of subsection (1) and substituting therefor the following sub-paragraphs:—

Application of profits and liquidation of losses.

- “(i) the whole or so much of the amount of that credit balance as the Treasurer, on the recommendation of the Board, determines shall be carried to the reserve funds created by the Board; and
- (ii) so much of that credit balance as is not otherwise dealt with under this paragraph shall be paid into the Consolidated Revenue;”.

10 Section thirty-seven of the Principal Act is amended by inserting in paragraph (b), after the word “prescribing”, the words “the terms and conditions of service and”.

Regulations.

11 The Principal Act is amended in the manner set out in the schedule.

Consequential amendments of Principal Act.

12—(1) The *Public Service Tribunal Act* 1958 is amended by omitting from the second column of the second schedule the words “The Tasmanian Government Insurance General Manager” and substituting therefor the words “The Tasmanian Government Insurance Board”.

Consequential amendments of other Acts.

(2) The *State Employees (Long-Service Leave) Act* 1950 is amended by omitting from the second column of the schedule the words “The Tasmanian Government Insurance Manager” and substituting therefor the words “The Tasmanian Government Insurance Board”.

(3) The *Traffic Act* 1925 is amended by omitting from the definition of “insurer” in section sixty-two of that Act the words “General Manager” and substituting therefor the word “Board”.

13—(1) All property, rights, liabilities, and obligations that, immediately before the commencement of this Act, were vested in the Tasmanian Government Insurance General Manager are, by virtue of this subsection and without further assurance, transferred to and vested in the Board.

Transitory provisions.

(2) References in the Principal Act to policies of insurance issued by the Board shall be construed as including references to policies of insurance issued by the Tasmanian Government Insurance General Manager before the commencement of this Act.

(3) The person who immediately before the commencement of this Act holds office as the Tasmanian Government Insurance General Manager shall on that commencement be deemed to have been appointed General Manager of the Tasmanian Government Insurance Office for a term expiring on the expiration of the term for which he was appointed to the former office.

(4) Notwithstanding anything in this Act subsection (4) of section four of the Principal Act, as that Act had effect before the commencement of this Act, applies to the person who becomes General Manager pursuant to subsection (3) of this section for so long as he continues to hold office as such during the term referred to in that subsection.

(5) The person who immediately before the commencement of this Act holds office as Deputy General Manager continues, on that commencement, to hold office under the Principal Act as amended by this Act as Deputy General Manager of the Tasmanian Government Insurance Office.

(6) Any person, not otherwise referred to in this section, who, immediately before the commencement of this Act, held office under the Principal Act continues, on that commencement, to hold that office as if he had been appointed thereto under the Principal Act as amended by this Act.

THE SCHEDULE.

(Section 11.)

CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

PART I.

1. Section fifteen is amended—

(a) by omitting from subsection (1) the words "General Manager, as representing the Crown, and he in his corporate style and capacity shall have power to" and substituting therefor the words "Board on behalf of the Crown, and the Board may"; and

(b) by omitting from that subsection the word "he" (last occurring) and substituting therefor the word "it".

2. Section seventeen is repealed and the following section is substituted therefor:—

"17. Policies, and any endorsements thereon, incident to the business of the Tasmanian Government Insurance Office, are not required to be executed under seal, and any such document not required to be under seal may for the purposes of the execution thereof be signed in the name and on behalf of the Board by the General Manager or by some other person authorized by it in that behalf."

3. Section eighteen is repealed.

4. Section nineteen is repealed and the following section is substituted therefor:—

"19. No action lies against the Board in respect of any fire loss unless it is commenced within twelve months after the loss occurred."

Mode of
execution
of policies.

Proceedings
in respect of
fire losses.

5. Section twenty is amended by omitting from paragraph (b) the words "The General Manager or Deputy General Manager, by himself or any person authorized by him in that behalf," and substituting therefor the words "Any person authorized by the Board in that behalf".

6. Section twenty-four is amended—

(a) by omitting the words "General Manager" (first occurring) and substituting therefor the word "Board"; and

(b) by omitting all the words following the words "signed by" and substituting therefor the words "such persons as may be authorized in that behalf by the Board."

7. Section twenty-five is amended by omitting from paragraph (a) the words "including interest payable and any sums from time to time payable to the Treasurer in repayment of money advanced from the Tasmanian Government Insurance Suspense Account".

8. Section thirty-one A is amended by omitting from subsection (1) the words "in his official style and capacity".

9. Section thirty-two is amended by omitting from paragraph (a) the words "in his official style and capacity".

PART II.

The following provisions of the Principal Act, namely:—

The definition of "reinsurance" in section two;

Section thirteen;

Subsection (2) of section fourteen;

Subsection (2) of section fifteen;

Section sixteen;

Paragraph (a) of section twenty;

Section twenty-one;

Subsection (1) of section twenty-two;

Section twenty-six;

Section twenty-eight;

Paragraph (b) of subsection (1), subsection (3), and subsection (4) of section thirty-one;

Section thirty-one A;

Section thirty-two;

Section thirty-three;

Section thirty-four;

Subsection (1) of section thirty-five; and

Paragraph (n) of section thirty-seven,

are amended—

(a) by omitting therefrom the words "General Manager" (wherever occurring) and substituting therefor, in each case, the word "Board";

(b) by omitting therefrom the words "he", "himself", and "him" (wherever occurring) and, in each case, substituting therefor respectively the word "it", "itself", or "it".

ADVANCED EDUCATION.

No. 36 of 1971.

AN ACT to amend the *Advanced Education Act* 1968. [24 August 1971.]

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 *Advanced Education Act* 1971. Short title and citation.