



TASMANIA

TASMANIAN GOVERNMENT INSURANCE OFFICE (SALE) ACT
1993

No. 27 of 1993

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**TASMANIAN GOVERNMENT INSURANCE OFFICE
(SALE) ACT 1993**

No. 27 of 1993

AN ACT to provide for the sale of the Tasmanian Government Insurance Office business, to repeal the *Tasmanian Government Insurance Act 1919* and to make consequential amendments to other Acts

[Royal Assent 3 June 1993]

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:—

PART 1

PRELIMINARY

Short title

1—This Act may be cited as the *Tasmanian Government Insurance Office (Sale) Act 1993*.

Commencement

2—(1) Parts 1, 2 and 3 and section 33 commence on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act commence on a day or days to be proclaimed.

Interpretation

3—(1) In this Act, unless the contrary intention appears—

“**Board**” means the Tasmanian Government Insurance Board as established under the TGIO Act;

“**corporation**” means any corporation formed under section 11;

“**Crown**” means the Crown in right of the State of Tasmania;

“**instrument**” includes an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law) and includes a judgment, order and process of a court;

“**insurance policy**” includes any contract, arrangement or understanding relating to the reinsurance of any liability of the Crown or the Board or any other person under an insurance policy;

“**legal proceedings**” includes an arbitration;

“**liabilities**” includes all liabilities, duties and obligations, whether actual, contingent or prospective;

“**Office**” means the Tasmanian Government Insurance Office as established under the TGIO Act;

“**order**” means an order made in accordance with section 21;

“**property**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property and includes money, documents, securities, choses in action and other rights;

“**purchaser**” means any person, other than the Treasurer, who is a party to a sale under section 6 (1) and who, by virtue of that sale, is the transferee or assignee of, or takes a beneficial interest in, any property or who, by virtue of that sale, assumes any liability;

“**regulations**” means regulations made and in force under section 24;

“**rights**” includes all rights, powers, privileges and immunities, whether actual, contingent or prospective;

“**sale**” includes a transfer, assignment and any other disposition of property, whether for consideration or not;

“**security**” means a mortgage or charge, whether legal or equitable, or a debenture, bill of exchange, promissory note, guarantee, lien or pledge or any other property or transaction representing security for the payment of money or for the discharge of an actual or contingent liability;

“**TGIO Act**” means the *Tasmanian Government Insurance Act 1919*;

“**TGIO business**” means the business conducted under the TGIO Act and includes—

- (a) the Office; and
- (b) all the property and goodwill of that business; and
- (c) all the liabilities assumed in connection with that business—

but does not include any part of the business that under the regulations is excluded from the operation of this Act;

“**TGIO employee**” means a person employed under the TGIO Act.

(2) For the purposes of this Act—

- (a) where a person performs any functions or exercises any powers under the TGIO Act for or on behalf of the Crown, references in this Act to the Crown relating to the TGIO business are taken to include references to that person; and
- (b) where under the TGIO Act any property or liabilities have, or purport to have been, held by, created by or dealt with by the Office, the property or liabilities are taken to have been held by, created by or dealt with by the Board, as the case may be.

Objects of Act

4—The objects of this Act are to provide for the sale of the TGIO business or any part or parts of the TGIO business.

Act binds Crown

5—This Act binds the Crown not only in right of Tasmania but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

PART 2**SALE OF TASMANIAN GOVERNMENT INSURANCE OFFICE
BUSINESS*****Division 1—Power of Treasurer to sell TGIO business*****Power of Treasurer to sell TGIO business**

- 6—(1) The Treasurer may, on behalf of the Crown, sell—
- (a) the whole or any part or parts of the TGIO business;
or
 - (b) any interest held by the Treasurer in the capital of a corporation—

to any person on such terms and conditions as the Treasurer thinks fit.

(2) A sale under subsection (1) (a) is of no effect unless it takes effect on or before 30 June 1994.

(3) Without limiting the generality of subsection (1), the Treasurer may in conjunction with any sale under that subsection, sell or grant a right to use any name, trade mark or service mark (whether registered or unregistered), indicia or get-up or any other property—

- (a) that is used for the purposes of the TGIO business;
or
- (b) that is used by a corporation; or
- (c) that the purchaser would not otherwise be permitted to use.

Proceeds of sale

7—(1) The proceeds of a sale under this Part are to be paid into an account established in the Special Deposits and Trust Fund and are to be applied in retirement of State debt.

(2) There may be deducted from the proceeds of sale before payment as required by subsection (1) such amount as the Treasurer approves to meet the expenses reasonably incurred in connection with the sale (including expenses incurred in connection with the formation of a corporation).

Treasurer to have regard to certain matters

8—In exercising any power conferred by this Part, the Treasurer must have regard to—

- (a) the achievement of a fair and reasonable market price for the TGIO business; and
- (b) the preservation of accrued entitlements of TGIO employees.

Construction of instruments

9—(1) This section applies to an instrument—

- (a) which was in force immediately before the date on which a sale under section 6 (1) takes effect; and
- (b) in which there is a reference to the Crown or the Board relating to the whole or a part of the TGIO business.

(2) Where the whole of the TGIO business is sold, an instrument to which this section applies has effect on and from the date on which the sale takes effect as if—

- (a) the reference were a reference to the purchaser; or
- (b) if the case so requires, the reference included a reference to the purchaser—

unless the context or subject-matter of the instrument otherwise indicates or requires.

(3) Where—

- (a) a part of the TGIO business is sold; and
- (b) in an instrument to which this section applies there is a reference to the Crown or the Board relating to that part of the TGIO business—

the instrument has effect on and from the date on which the sale takes effect as if—

- (c) the reference were a reference to the purchaser; or

(d) if the case so requires, the reference included a reference to the purchaser—
unless the context or subject-matter of the instrument otherwise indicates or requires.

Supplementary provisions with respect to legal proceedings, documents, &c.

10—(1) Where the whole of the TGIO business is sold under section 6 (1), the following provisions have effect:—

- (a) legal proceedings instituted by or against the Crown or the Board relating to the TGIO business before and pending on the date on which the sale takes effect may be continued by or, as the case may be, against the purchaser; and
- (b) a judgment or order of a court obtained in those proceedings by or against the Crown or the Board relating to the TGIO business may on and after that date be enforced by or, as the case may be, against the purchaser; and
- (c) a document addressed to and purporting to be served on the Crown or the Board relating to the TGIO business and to those proceedings is taken to be served on the purchaser.

(2) Where—

- (a) a part of the TGIO business is sold under section 6 (1); and
- (b) any legal proceedings instituted by or against the Crown or the Board relating to that part of the TGIO business, have been instituted before and are pending on that date—

the following provisions have effect:—

- (c) those proceedings may be continued by or, as the case may be, against the purchaser;
- (d) a judgment or order of a court obtained in those proceedings by or against the Crown or the Board relating to that part of the TGIO business may be enforced by or, as the case may be, against the purchaser;
- (e) a document addressed to and purporting to be served on the Crown or the Board relating to that part of the TGIO business and to those proceedings is taken to be served on the purchaser.

Division 2—Formation of corporations

Treasurer may form corporations

11—(1) For the purposes of this Act, the Treasurer may under the Corporations Law form, or participate in the formation of, one or more corporations limited by shares.

(2) The Treasurer may give a written direction or directions to the Board requiring the Board to do any act for the purpose of exercising the Treasurer's powers under subsection (1).

(3) A direction under subsection (2) may specify the manner in which a corporation is to be formed and without limitation may specify—

- (a) the identity of the shareholders in the corporation; and
- (b) the terms of the memorandum and articles of association of the corporation; and
- (c) the name of the corporation—

and may require that any action necessary for, or incidental to, the formation of the corporation may be undertaken only with the written consent of the Treasurer.

(4) The Board may delegate to any person any of the duties to be performed by it under this section.

(5) The Treasurer may on behalf of the Crown be a member of a corporation.

Transfer of property, &c., and construction of instruments

12—Where a corporation has been formed under section 11, the following provisions have effect on and from a date fixed by an order made by the Treasurer for the purposes of this section:—

- (a) the property of the Crown or the Board relating to the TGIO business and specified in the order vests in the corporation;
- (b) the liabilities of the Crown or the Board relating to the TGIO business and specified in the order become the liabilities of the corporation—

and where in an instrument in force immediately before that date there is a reference to the Crown or the Board relating to that property or those liabilities, the instrument has effect on and from that date as if—

- (c) the reference were a reference to the corporation; or
- (d) if the case so requires, the reference included a reference to the corporation—

unless the context or subject-matter of the instrument otherwise indicates or requires.

Supplementary provisions with respect to legal proceedings, documents, &c.

13—On and from a date fixed by an order made by the Treasurer for the purposes of section 12, the following provisions have effect relating to any legal proceedings instituted by or against the Crown or the Board relating to any part of the TGIO business specified in the order, if the proceedings were instituted before and pending on that date:—

- (a) those proceedings may be continued by or, as the case may be, against the relevant corporation;
- (b) a judgment or order of a court obtained in those proceedings by or against the Crown or the Board relating to the TGIO business, may be enforced by or, as the case may be, against the relevant corporation;
- (c) a document addressed to and purporting to be served on the Crown or the Board relating to the TGIO business and to those proceedings is taken to be served on the relevant corporation.

Status of corporations

14—(1) This section applies to a corporation only during a period commencing on a date fixed by an order made by the Treasurer for the purposes of this section when the whole of the capital of the corporation is beneficially held by the Crown.

(2) A corporation to which this section applies is an agency through which the Crown engages in State Insurance as referred to in section 51(xiv) of the Commonwealth Constitution and for that purpose is a public authority of the Crown.

(3) Notwithstanding subsection (2), the corporation is not exempt from any rate, tax, duty or other impost imposed by or under any law of Tasmania by reason only of the fact that it is a corporation in which the Crown holds shares.

Division 3—Saving for insurance policies and other contracts

Interpretation

15—In this Division, “contract” includes an insurance policy.

Effect of this Part on contracts

16—Where a sale under section 6 (1) (a) includes any contract, any rights or liabilities of the Crown or the Board under that contract cease on the date on which the sale takes effect to be rights or liabilities of the Crown or the Board and become rights or liabilities of the purchaser.

Saving for contracts

17—A person who is a party to a contract is not entitled to terminate that contract by reason only of anything done or omitted to be done under this Part.

PART 3

SUPPLEMENTAL AND MISCELLANEOUS

Division 1—Government guarantee of policies

Government guarantee continued for existing policies, &c.

18—(1) Each policy, within the meaning of the TGIO Act, issued by the Board under that Act continues to be guaranteed by the Government of Tasmania notwithstanding that—

- (a) any liability under that policy has become a liability of a corporation or a purchaser; or
- (b) under section 36 of this Act, section 22 of the TGIO Act is repealed.

(2) Each insurance policy that a corporation issues or offers to issue when the whole of the capital of the corporation is beneficially held by the Crown is guaranteed by the Crown.

(3) Where—

- (a) any interest in the capital of a corporation is beneficially held by the Crown; and
- (b) the corporation issues or offers to issue an insurance policy or class of insurance policies approved by the Treasurer—

that policy or class of insurance policies is guaranteed by the Crown.

(4) For the purposes of subsection (3), an approval by the Treasurer—

- (a) is taken to be granted on the condition that an interest in the capital of the corporation is at the time of the approval beneficially held by the Crown; and
- (b) may be granted on such other conditions as the Treasurer thinks fit.

(5) Any liability arising from a guarantee under this section is to be met out of the Consolidated Fund which is appropriated accordingly.

Division 2—Transfer of TGIO employees

Transfer of TGIO employees

19—(1) In this section, “**related body corporate**” has the same meaning as in the Corporations Law.

(2) On the date of a sale under section 6 (1) (a)—

- (a) the purchaser or a related body corporate of the purchaser specified in an order made by the Treasurer for the purposes of this subsection becomes the employer of each TGIO employee specified in the order; and
- (b) each TGIO employee of whom the relevant purchaser or the relevant related body corporate of that purchaser becomes the employer under paragraph (a) and who is an employee, within the meaning of the *Tasmanian State Service Act 1984*, ceases to hold office as such; and
- (c) each appointment of any of those TGIO employees made under section 7 of the TGIO Act is cancelled.

(3) Where a corporation has been formed under section 11, on a date fixed by an order made by the Treasurer for the purposes of this section—

- (a) a corporation or a related body corporate of the corporation specified in the order becomes the employer of each TGIO employee specified in the order; and
- (b) each TGIO employee of whom the corporation or the relevant related body corporate of the corporation becomes the employer under paragraph (a) and who is an employee, within the meaning of the *Tasmanian State Service Act 1984*, ceases to hold office as such; and
- (c) each appointment of any of those TGIO employees made under section 7 of the TGIO Act is cancelled.

Consequences of transfer of TGIO employees

20—Except as provided by the *Retirement Benefits Act 1982*, as amended by this Act, a TGIO employee is not entitled to receive any payment or other benefit by reason only of the fact that, under section 19 of this Act, that employee ceases to be employed under the TGIO Act or the *Tasmanian State Service Act 1984*, as the case may be.

Division 3—Supplemental

Gazettal of orders

21—An order made by the Treasurer for the purposes of this Act—

- (a) is to be published in the *Gazette* unless it relates solely to the transfer of TGIO employees as provided by Division 2; and
- (b) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

Exemption from tax for documents under Part 2

22—(1) In this section, “State tax” means application or registration fees, stamp duty or any other tax, duty, fee or charge imposed by any Act or law of Tasmania.

(2) State tax is not payable in respect of any document prepared for the sale of the whole or any part or parts of the TGIO business or of any interest held by the Treasurer in the capital of a corporation.

Evidentiary provision

23—A certificate purporting to be signed by the Treasurer that a specified class of policies has been approved by the Treasurer under section 18 is admissible in evidence in any legal proceedings and is evidence of the matters certified.

Regulations

24—(1) The Governor may make regulations for the purpose of this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

- (a) contain provisions of a savings or transitional nature consequent on the enactment of this Act (including the interpretation of references to the Crown, the Board or the TGIO Act); and
- (b) modify the application of sections 9 and 12 of this Act to references to the Crown or the Board in instruments and documents; and
- (c) make provision with respect to the application of the *State Authorities Financial Management Act 1990* (with or without modifications) to a corporation during any part of a period when the whole of the capital of the corporation is beneficially held by the Crown.

(3) Any regulation made under this section may, if that regulation so provides, take effect from the date on which this Act receives the Royal Assent.

(4) To the extent to which any such regulation takes effect on a date that is earlier than the date of its publication in the *Gazette*, that regulation does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the Crown, the Board or an authority of the Crown), the rights of that person existing before the date of its publication; or

- (b) to impose liabilities on any person (other than the Crown, a corporation or an authority of the Crown) in respect of anything done or omitted to be done before the date of its publication.

Administration of Act

25—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Treasurer; and
(b) the Department responsible to the Treasurer is the Department of Treasury and Finance.

Expiry of Act

26—If on 31 December 1994 there has not been a sale under section 6, this Act expires on that date.

PART 4

CONSEQUENTIAL PROVISIONS

Division 1—Amendments

Apple and Pear Industry (Crop Insurance) Act 1982 amended

27—(1) The *Apple and Pear Industry (Crop Insurance) Act 1982** is amended as specified in Part 1 of Schedule 1.

(2) The savings and transitional provisions specified in Part 2 of Schedule 1 have effect.

Archives Act 1983 amended

28—Section 3 (1A) of the *Archives Act 1983*† is amended by omitting paragraph (b).

Freedom of Information Act 1991 amended

29—Section 5 (1) of the *Freedom of Information Act 1991*‡ is amended by inserting after “Act” in paragraph (a) of the definition of “prescribed authority” the words “, other than a corporation formed for the purposes of the *Tasmanian Government Insurance Office (Sale) Act 1993*”.

* No. 83 of 1982. Amended by No. 29 of 1984, No. 53 of 1987 and No. 5 of 1990.

† No. 76 of 1983. Amended by No. 29 of 1984, No. 5 of 1990 and Nos. 43 and 46 of 1991.

‡ No. 22 of 1991. Amended by No. 61 of 1992.

***Hire-Purchase Act 1959* amended**

30—Section 24 (6) of the *Hire-Purchase Act 1959*† is amended by omitting paragraph (a).

***Motor Accidents (Liabilities and Compensation) Act 1973* amended**

31—(1) Section 4 (2) of the *Motor Accidents (Liabilities and Compensation) Act 1973*§ is amended as follows:—

(a) by omitting paragraph (a) and substituting the following paragraph:—

(a) one shall be nominated by the Treasurer;

(b) by omitting from paragraph (b) “(other than the Tasmanian Government Insurance Board)”.

(2) The amendments made by subsection (1) do not affect the tenure or term of office of a person holding office as a member of the Motor Accidents Insurance Board under section 4 (2) (a) of the *Motor Accidents (Liabilities and Compensation) Act 1973* immediately before the commencement of this section.

***Ombudsman Act 1978* amended**

32—Schedule 1 of the *Ombudsman Act 1978** is amended by omitting “66. Tasmanian Government Insurance Board.”.

***Retirement Benefits Act 1982* amended**

33—The *Retirement Benefits Act 1982*† is amended as specified in Schedule 2.

‡ No. 79 of 1959. For this Act, as amended to 1 October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 99 of 1982 and Nos. 43 and 46 of 1991.

§ No. 71 of 1973. For this Act, as amended to 1 January 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 10 of 1982, Nos. 29 and 90 of 1984, Nos. 45 and 51 of 1985, Nos. 4 and 10 of 1986, Nos. 32 and 39 of 1988, Nos. 6, 40 and 43 of 1991 and Nos. 18 and 33 of 1992.

* No. 82 of 1978. Amended by No. 10 of 1982, Nos. 20, 29, 77 and 78 of 1984 and by S.R. 1983, No. 84, S.R. 1984, No. 225, S.R. 1986, No. 225 and S.R. 1992, No. 120.

† No. 10 of 1982. Amended by Nos. 12 and 85 of 1983, No. 29 of 1984 (as amended by Nos. 63 and 83 of 1985), Nos. 22, 51 and 112 of 1985, Nos. 21 and 63 of 1987, No. 5 of 1988, No. 56 of 1989 and Nos. 10 and 48 of 1991 and by S.R. 1988, No. 174, S.R. 1989, No. 147 and S.R. 1991, Nos. 56 and 211.

***State Authorities Financial Management Act 1990* amended**

34—Schedules 1, 2, 3 and 4 of the *State Authorities Financial Management Act 1990*‡ are amended by omitting “Tasmanian Government Insurance Board”, wherever occurring.

***Workers Compensation Act 1988* amended**

35—The *Workers Compensation Act 1988*§ is amended as specified in Schedule 3.

Division 2—Repeals

Repeal of TGIO Act, &c.

36—(1) The *Tasmanian Government Insurance Act 1919*¶, the *Tasmanian Government Insurance Amendment Act 1988*#, the *Tasmanian Government Insurance Amendment Act (No. 2) 1988*ψ are repealed and the regulations in force under the *Tasmanian Government Insurance Act 1919* are rescinded.

(2) The Board and the Office are abolished.

‡No. 45 of 1990. Amended by Nos. 2 and 4 of 1991 and S.R. 1991, Nos. 125, 218 and 219 and S.R. 1992, No. 108.

§ No. 4 of 1988. Amended by No. 39 of 1988, No. 5 of 1990, Nos. 26 and 46 of 1991 and No. 50 of 1992.

¶ 10 Geo. V No. 63.

No. 35 of 1988.

ψ No. 65 of 1988.

SCHEDULE 1

Section 27

**AMENDMENTS TO APPLE AND PEAR INDUSTRY (CROP
INSURANCE) ACT 1982**

PART 1

AMENDMENTS

1—Section 3 (1) is amended by omitting the definitions of “Board”, “the Committee” and “Director” and substituting the following definition:—

“**Board**” means the Fruit Crop Insurance Board appointed and holding office under Part II;

2—Section 5 is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) The Fruit Crop Insurance Board is established.

(1A) The Board—

(a) is a body corporate with perpetual succession; and

(b) has a seal; and

(c) may sue and be sued in its corporate name; and

(d) may acquire, hold, dispose of and otherwise deal with property.

(1B) The execution of a document sealed by the Board is to be attested by 2 members of the Board.

(1C) All courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the Board.

(1D) The seal is to be kept and used as authorized by the Board.

(2) The Board consists of 4 persons of whom—

(a) 2 are to be persons nominated by the Minister on the recommendation of the Treasurer; and

(b) the remaining 2 are to be fruitgrowers who, in the opinion of the Minister, represent the interests of fruit growers.

3—After section 5, the following section is inserted:—

Powers of Board

5A—The Board has the power to do all things necessary or convenient to be done in connection with the performance of its functions and duties and, in particular, has the power to—

- (a) enter into contracts; and
- (b) appoint agents; and
- (c) enter into a contract with another person for the performance of any of its functions or powers jointly with that other person; and
- (d) determine the charges, terms and conditions relating to work done by it or the services, goods or information supplied by it; and
- (e) do all things that it is authorized to do by this or any other Act.

4—Section 10 is amended as follows:—

- (a) by omitting from subsection (1) “the Commonwealth Trading Bank” and substituting “a bank approved by the Treasurer”;
- (b) by omitting subsections (4), (5) and (6) and substituting the following subsection:—

(4) The Insurance Fund Account is to be maintained in accordance with Part IIA.

5—Section 12 is amended by omitting paragraph (a) and substituting the following paragraphs:—

- (a) the procedure to be followed by the Board;
- (aa) the activities of the Board for the purposes of section 5 (8) (b);
- (ab) provisions of a savings or transitional nature consequent on the enactment of the *Tasmanian Government Insurance Office (Sale) Act 1993*;

6—After section 12, the following Part is inserted:—

PART IIA

FINANCIAL PROVISIONS

Investment of surplus funds

12A—The Board may invest any funds held by it and any interest accumulated in respect of those funds—

- (a) in securities of, or guaranteed by, the Commonwealth, a State or a Territory; or
- (b) on deposit with a bank; or
- (c) in any other manner approved by the Treasurer.

Accounts and reports

12B—(1) The Board must keep such accounts, and prepare such statements relating to those accounts, as the Treasurer may direct.

(2) The accounts and statements referred to in subsection (1) are to be in the form, and to contain the particulars, determined by the Treasurer.

(3) The accounts of the Board are subject to Part 3 of the *Financial Management and Audit Act 1990*.

(4) The Board must—

- (a) within 2 months after the end of a financial year, submit to the Auditor-General for the purposes of audit a statement of its accounts for that financial year; and
- (b) within 14 days after receipt of the Auditor-General's opinion on those accounts, submit to the Minister a report on the administration of this Act during that financial year together with copies of the statement and of the Auditor-General's opinion.

(5) The Minister must cause a copy of each report and statement of accounts submitted to him or her under this section and of the Auditor-General's opinion on those accounts to be laid before each House of Parliament within the next 15 sitting days of that House after the receipt of the report and statement.

Reserves

12C—The Board may establish and maintain reserves.

7—Section 17 is repealed.

8—Each of the provisions specified in column 1 of the following table is amended by omitting “Committee”, as indicated in column 2 of that table, and substituting “Board”.

<p style="text-align: center;">COLUMN 1</p> <p style="text-align: center;"><i>Provisions of Apple and Pear Industry (Crop Insurance) Act 1982 amended</i></p>	<p style="text-align: center;">COLUMN 2</p> <p style="text-align: center;">Number of times word omitted occurs in provision</p>
Section 5 (3)	1
Section 5 (4)	1
Section 5 (5)	1
Section 5 (6)	3
Section 5 (7)	1
Section 5 (8)	1
Section 5 (9)	1
Section 6 (2)	1
Section 6 (3)	1
Section 12 (b)	2

9—Each of the provisions specified in column 1 of the following table is amended by omitting “Director”, as indicated in column 2 of that table, and substituting “Board”.

<p style="text-align: center;">COLUMN 1</p> <p style="text-align: center;"><i>Provisions of Apple and Pear Industry (Crop Insurance) Act 1982 amended</i></p>	<p style="text-align: center;">COLUMN 2</p> <p style="text-align: center;">Number of times word omitted occurs in provision</p>
Section 14 (1)	3
Section 16 (1)	1
Section 19 (1)	7

PART 2

SAVINGS AND TRANSITIONAL PROVISIONS

1—In this Part—

“**Board**” means the Fruit Crop Insurance Board established under section 5 of the Principal Act;

“**commencement date**” means the date on which section 27 of this Act commences;

“**former board**” means the Tasmanian Government Insurance Board as established under the *Tasmanian Government Insurance Act 1919*, as in force immediately before the commencement date;

“**Principal Act**” means the *Apple and Pear Industry (Crop Insurance) Act 1982*.

2—On the commencement date the following provisions have effect so far as they relate to the administration of the Principal Act by the former board:—

- (a) the property and rights of the former board vest in the Board and the liabilities of the former board become liabilities of the Board;
- (b) except in so far as the context or subject-matter otherwise indicates or requires, where in an instrument that was in force immediately before the commencement date there is a reference to the former board, that instrument continues in force as if that reference were, or included as the case may require, a reference to the Board;
- (c) legal proceedings instituted by or against the former board before and pending on the commencement date may be continued by or, as the case may be, against the Board;
- (d) a judgment or order of a court obtained in those proceedings by or against the former board may be enforced by or, as the case may be, against the Board;
- (e) a document addressed to and purporting to be served on the former board is taken to be served on the Board;
- (f) any reserves which the former board held immediately before the commencement date for the purposes of the Principal Act form part of the reserves established under section 12C of that Act.

3—On the commencement date—

- (a) the Fruit Crop Insurance Committee, as continued by section 5 (1) of the Principal Act as in force immediately before that date, is abolished; and
 - (b) the members of that Committee cease to hold office as such.
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SCHEDULE 2

Section 33

AMENDMENTS TO RETIREMENT BENEFITS ACT 1982

1—Section 3 (1) is amended as follows:—

(a) by omitting the definition of “contributor” and substituting the following definition:—

“contributor” means—

(a) an employee who is contributing to the Fund, as required by this Act; or

(b) an employee who is required to contribute to the Fund but who has not commenced to pay his or her contributions; or

(c) an employee who has ceased to contribute to the Fund by reason of his or her age; or

(d) a former TGIO employee;

(b) by omitting “Act.” from paragraph (q) (ii) in the definition of “employee” and substituting “Act; or”;

(c) by inserting after paragraph (q) in the definition of “employee” the following paragraph:—

(r) a former TGIO employee;

(d) by inserting after the definition of “first commencement day” the following definition:—

“former TGIO employee” means—

(a) a person who is entitled to benefits under this Act by reason of his or her former employment under the *Tasmanian Government Insurance Act 1919*; or

(b) a person who ceases, or has ceased, to be an employee as mentioned in section 19 of the *Tasmanian Government Insurance Office (Sale) Act 1993*—

and includes a person entitled to receive a pension or other benefit under Division 3 or 4 of Part V of this Act by reason of his or her relationship to a person referred to in paragraph (a) or (b);

2—Section 20 (2) is amended as follows:—

- (a) by omitting “1988” from paragraph (f) and substituting “1988; and”;
- (b) by inserting after paragraph (f) the following paragraph:—
 - (g) all amounts payable to the Fund under section 29D.

3—After section 29C, the following section is inserted in Part IV:—

Contributions in respect of former TGIO employees

29D—(1) The Treasurer may, by instrument in writing, determine that any person may, in respect of—

- (a) a person who is entitled to benefits under this Act or the SAF Agreement by reason of his or her employment under the *Tasmanian Government Insurance Act 1919*; or
- (b) any former TGIO employees—

contribute at any specified time to the Fund or to any other fund established by the Board for the purposes of this section any sum determined by the Treasurer.

(2) If at any time in relation to all persons in respect of whom contributions are made to the fund to which money is paid under subsection (1), the total of—

- (a) any sum contributed under that subsection; and
- (b) any accretions to that sum—

is insufficient to meet any contribution payable under section 63 (5) of this Act or clause 40 of the SAF Agreement, the Treasurer must pay to that fund a contribution comprising a sum sufficient to permit payment of that benefit.

(3) Except as provided by this section, no contribution is to be paid by or in respect of a former TGIO employee to any fund to which money is paid under subsection (1).

4—Section 33 is amended as follows:—

- (a) by omitting from subsection (1) (bb) “List,” and substituting “List; or”;
- (b) by inserting after paragraph (bb) of subsection (1) the following paragraph:—

(bc) ceases to be an employee—

(i) in the circumstances mentioned in section 19 of the *Tasmanian Government Insurance Office (Sale) Act 1993*; or

(ii) in circumstances where the Tasmanian Government Insurance Board certifies that the cessation occurred in order to facilitate any action or proposed action under Part 2 of that Act—

(c) by inserting after “retirement”, where secondly occurring in subsection (1), “or cessation of employment, as the case may be”;

(d) by inserting after paragraph (f) of subsection (1) the following paragraph:—

(fa) in the case of a contributor referred to in paragraph (bc) to whom paragraphs (c), (e) and (f) do not relate—

(i) to be paid the prescribed sum of money out of the Fund; or

(ii) to leave his contributions in the Fund and on attaining the age of 55 years or some later date notified in writing to the Board to receive, subject to subsections (3) and (3A), a pension calculated as mentioned in section 30 (1), 31 or 32 (3), as the case may be—

whichever he elects to receive; or

(e) by omitting subsection (3) and substituting the following subsection:—

(3) Where—

(a) a pension is payable under this section to a contributor referred to in subsection (1) (e), (f) or (fa); and

(b) the contributor is less than 60 years of age on the date when the pension first becomes payable—

the amount of the pension is, subject to subsection (3A), to be reduced by 1 per cent for each period of 3 months or part of that period by which the age of the contributor on that date is less than 60 years.

5—Section 63 is amended as follows:—

- (a) by omitting “(2B) and (3)” from subsection (1) and substituting “(2B), (3) and (5)”;
- (b) by inserting after subsection (4) the following subsection:—

(5) Notwithstanding subsection (1), any contribution required to be made by the Treasurer under this section in respect of former TGIO employees is to be met from the money contributed to the appropriate fund under section 29D or any accretions to that money.

6—Section 66 is amended by omitting “regulations.” and substituting “regulations, but in the case of a former TGIO employee in respect of whom a contribution has been made under section 29D no such contribution by an authority is required.”.

7—After section 71B, the following section is inserted in Part VIIA:—

SAF benefits for former TGIO employees

71C—Any payment required to be made by the SAF Board in respect of benefits payable under the SAF Agreement to or in respect of former TGIO employees is to be charged to the appropriate fund referred to in section 29D.

8—After section 90B, the following section is inserted:—

Separate account for former TGIO employees

90C—(1) The Board must maintain in its accounts a separate account for money paid under section 29D in respect of persons referred to in subsection (1) (a) or (b) of that section.

(2) The Board must credit to the account maintained under subsection (1)—

- (a) any contribution under section 29D; and
- (b) all interest allocated in accordance with section 90A in respect of the amounts from time to time standing to the credit of that account.

(3) So long as the account complies with the standards prescribed for the purposes of the *Occupational Superannuation Standards Act 1987* of the Commonwealth, the Board may debit the account with any of the following amounts:—

- (a) an amount relating to the expenses incurred in the administration of the account;
- (b) an amount authorized by this Act;
- (c) an amount approved by an instrument in writing made by the Treasurer for the purposes of this subsection.

9—Section 96 (5) is amended by omitting “specified.” and substituting “specified and may apply solely to former TGIO employees.”.

10—Clause 17 of Schedule 4 is amended by omitting “33 (1) (f),” and substituting “33 (1) (f) or (fa),”.

SCHEDULE 3

Section 35

AMENDMENTS TO WORKERS COMPENSATION ACT 1988

1—Section 3 (1) is amended by omitting the definition of “insurer” and substituting the following definition:—

“insurer” means a body corporate authorized under the *Insurance Act 1973* of the Commonwealth to carry on insurance business and includes a person who, at the time a relevant policy of insurance or indemnity was taken out, was so authorized;

2—Section 115 (2) is amended by omitting paragraph (d).

3—Section 122 is amended by omitting subsections (1) and (2) and substituting the following subsection:—

(1) The Nominal Insurer consists of 4 members appointed by the Minister after consultation with licensed insurers and self-insurers, one of whom the Minister must appoint as chairperson.

4—Section 128 (2) is amended by omitting paragraph (b) and substituting the following paragraph:—

(b) in the case of self-insurers, the premium that has been determined by the Board for the purposes of the definition of “notional premium payments” in section 144 (1);

5—Section 144 (1) is amended by omitting “the premium that” from the definition of “notional premium payments” and substituting “a reasonable premium that the Board, after consulting with the Premiums Monitoring Committee, has determined”.

6—Clause 3 of Schedule 1 is amended as follows:—

(a) by omitting “subclauses (2) and (3)” from subclause (1) and substituting “subclause (2)”;

(b) by omitting subclause (3).

7—Clause 3 of Schedule 5 is amended as follows:—

(a) by omitting “subclauses (2) and (3)” from subclause (1) and substituting “subclause (2)”;

(b) by omitting subclause (3).

8—Clause 5 (1) of Schedule 5 is amended by omitting “section 115 (2) (b), (c) or (d)” and substituting “section 115 (2) (b) or (c)”.

9—Clause 5 of Schedule 6 is amended as follows:—

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

(1) The Minister may appoint any person to act in the office of the chairperson of the Nominal Insurer referred to in section 122 (1) while the chairperson is absent from his or her office through illness or any other cause.

(b) by omitting “section 122 (1) (b)” from subclause (2) and substituting “section 122 (1)”;

(c) by omitting “section 122 (1) (b)” from subclause (3) and substituting “section 122 (1)”.

10—Clause 6 of Schedule 6 is amended by omitting “section 122 (1) (b)” and substituting “section 122 (1)”.

*[Second reading presentation speech made in:—
House of Assembly on 28 April 1993
Legislative Council on 29 April 1993]*