

FIRE DAMAGE RELIEF.

No. 61 of 1972.

AN ACT to amend the *Fire Damage Relief Act 1967*.
[21 December 1972.]

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 Damage Relief Act 1972*. Short title and citation.

(2) The *Fire Damage Relief Act 1967*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section nine of the Principal Act the following sections are inserted:—

“**9A**—(1) An owner of land who is required, by paragraph (c) of subsection (3) of section nine, to keep insured the dwelling-house erected on that land shall, on demand therefor being made by the Minister or his delegate (either generally or in that behalf) under this Act, produce to the Minister or person making the demand—

Owner to produce insurance documents: Minister may insure dwelling-house.

- (a) the policy of insurance in respect of the dwelling-house; and
- (b) the receipt for the premium paid in respect of a period of time during which the demand is made.

“(2) If, on demand being made under subsection (1) of this section, the policy of insurance and receipt are not produced to the Minister or person making the demand therefor, the Minister may cause that dwelling-house to be insured for such sum as the Minister or person may determine and (without any further authority than this subsection) all moneys and premiums necessary for that purpose to be paid.

“**9B**—(1) Where the Minister causes money to be paid under section nine A, he shall forthwith—

Payment by Minister protected by “caveat”.

- (a) cause to be lodged with the Recorder of Titles, if the land on which the dwelling-house in respect of which the payment is made is under the *Real Property Act 1862*; or
- (b) cause to be delivered to the Registrar of Deeds, in any other case,

a notification, in the prescribed form, stating that the land is affected by the provisions of this section.

“(2) A notification lodged with the Recorder of Titles under subsection (1) of this section shall—

- (a) operate as a caveat lodged in accordance with section eighty-two of the *Real Property Act* 1862 forbidding the registration of any transfer of the land the subject of the notification without the consent of the Minister as if the Minister were the caveator; and
- (b) remain in force (notwithstanding the registration of any transfer with the consent of the Minister given under this section) until it is withdrawn pursuant to subsection (5) of this section.

“(3) Section eighty-three of the *Real Property Act* 1862 applies to a notification lodged under subsection (1) of this section as if subsections (1), and (4) to (8), of that section were omitted.

“(4) Where the Registrar of Deeds receives a notification pursuant to subsection (1) of this section, he shall register it and make in his index such entries as he thinks proper to give notice of the notification to a person searching in the Registry of Deeds.

“(5) If, after lodging or registering a notification under subsection (1) of this section payment is received by the Minister as reimbursement in full for the amount or the total of the amounts (as the case requires) together with the interest payable thereon as provided by subsection (1) of section nine c, the Minister shall lodge with the Recorder of Titles or register with the Registrar of Deeds (as the case requires) a notice withdrawing the notification.

Payment by
Minister a
charge on
the land.

“9c—(1) Any money paid on account of insurance as provided by subsection (2) of section nine A, together with interest thereon at the rate of five per cent per annum, shall be a charge on the land on which the dwelling-house, in respect of which the payment is made, is erected.

“(2) A charge on land under this section may be enforced—

- (a) against the owner of the land for the time being by action in any court of competent jurisdiction as for a debt due and payable to the Crown; or
- (b) against the land, by sale.

“(3) Where the Minister desires to enforce the charge afforded by this section against the land (either when the charge arises or when any of the events set out in subsection (6) of this section has occurred) he shall make application to the Sheriff to sell the land whereupon the Sheriff shall, in relation to the land on which the dwelling-house in respect of which the application is made is erected—

- (a) fix a convenient time (being not more than six months and not less than three months from the date of the application) and a convenient place for the sale;
- (b) give such notice of the sale as he may deem sufficient by advertisement in the *Gazette* and in a newspaper;
- (c) make such searches against the land and give such notice (if any) as he may deem reasonable or practicable to any person who appears to be interested in the land; and

- (d) sell the land as if he held the land upon trust to sell it, and to receive the proceeds of sale, and after paying and retaining thereout the costs and expenses of the sale to stand possessed of the residue of the proceeds in trust for the person entitled thereto.

“(4) In respect of a sale pursuant to this section, the Sheriff, and his servants and agents in that behalf, shall incur no greater liability than would be the case if the sale had been made pursuant to the order of a court of competent jurisdiction.

“(5) Where the Minister consents to a transfer of land the subject of a notification under this section, the provisions of section nine shall apply in all respects as if the money secured by the notification under this section was money secured by a notification under section nine which section shall be complied with accordingly.

“(6) Notwithstanding the foregoing provisions of this section, where the owner of land which may be sold under paragraph (b) of subsection (2) of this section is in indigent circumstances, the Minister may, instead of making an application to the Sheriff under this section, notify that owner that he will allow the whole or part of the moneys then being or thereafter to become a charge on the land to go unpaid until the death of the owner or until further notice, whichever event is the first to occur.

“9D For the purposes of subsection (17) of section nine and paragraph (a) of subsection (2) of section nine c, an allegation in a complaint or a plaint that an owner of land has failed to insure, as required by paragraph (c) of subsection (3) of section nine, shall be deemed to be proved in the absence of proof to the contrary.”

Proof of failure to insure.

TOURISM DEVELOPMENT (STAFF).

No. 62 of 1972.

AN ACT to amend the *Tourism Development Act* 1970. [21 December 1972.]

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 *Tourism Development (Staff) Act* 1972. Short title and citation.

(2) The *Tourism Development Act* 1970 is in this Act referred to as the Principal Act.

2 Section thirty-two of the Principal Act is amended by omitting subsection (5). Transfer of staff.