

## SERVICE PAYMENTS (PUBLIC HOSPITALS).

No. 15 of 1972.

AN ACT to make provision for service payments to certain employees in public hospitals.

[27 July 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:—

Short title. **1** This Act may be cited as the *Service Payments (Public Hospitals) Act 1972*.

Interpretation. **2**—(1) In this Act, unless the contrary intention appears—

- “Board of Management” means the Board of Management, Governors, or other persons having the management and control of a public hospital;
- “casual employee” means a person employed and paid on a daily basis;
- “employee” means a person permanently or temporarily employed whether full or part-time (not being a casual employee) under the provisions of the *Hospitals Act 1918* in a public hospital, as a member of the general staff;
- “general staff” means the—
  - (a) attendant staff;
  - (b) domestic staff;
  - (c) dressmaking staff;
  - (d) kitchen staff;
  - (e) laundry staff;
  - (f) maintenance staff and tradesmen;
  - (g) miscellaneous staff; and
  - (h) stores staff,
 in a public hospital;
- “junior employee” means an employee under the age of twenty-one years;
- “miscellaneous staff” includes any member of the general staff who is a—
  - (a) dental attendant;
  - (b) driver;
  - (c) laboratory aid;
  - (d) laboratory assistant;
  - (e) lift attendant;

- (f) person who is classified as a member of the miscellaneous staff for the purposes of the *Hospital Employees' (Public Hospitals) Principal Award No. 4* made under the *Public Service Tribunal Act 1958* or any award made in substitution for that award;
- (g) plaster room technician;
- (h) radiographic technician;
- (i) sterilizing unit operator;
- (j) switchboard operator; or
- (k) theatre technician;

“public hospital” means a public hospital within the meaning of the *Hospitals Act 1918* and includes the Queen Alexandra Maternity Hospital, the Queen Victoria Hospital, and the Peacock Convalescent Hospital.

(2) For the purposes of this Act, “continuous service” means employment in a public hospital as an employee who is paid in accordance with the *Hospital Employees' (Public Hospitals) Principal Award No. 4* made under the *Public Service Tribunal Act 1958* or any award or other authority for the payment of wages which preceded that award or any award made in substitution for that award.

(3) Employment in a public hospital shall be deemed to be continuous service from the commencement of that employment notwithstanding any absence from duty if that absence from duty is—

- (a) without loss of receipt of wages by the employee;
- (b) for any period not exceeding twelve months and if, during that period, the employee is in receipt of payment by way of compensation under the *Workers' Compensation Act 1927*;
- (c) for any period of leave (not being leave on account of sickness) without pay, not exceeding two weeks, or, in the case of more than one period of such leave, two weeks in the aggregate; or
- (d) for any continuous period of leave on account of sickness not exceeding six months.

(4) In computing the period of continuous service of an employee, no regard shall be had to any continuous service by that employee which preceded the commencement of the period of continuous service in respect of which service payments are claimed unless the preceding continuous service was terminated or discontinued on account of—

- (a) lack of work or of sufficient work for the employee; or
- (b) ill-health of the employee,

and the employee was re-employed within a period of six months from the time of that termination or discontinuance.

(5) In computing the period of continuous service of an employee, no regard shall be had to any period of leave referred to in paragraph (c) or paragraph (d) of subsection (3) of this section.

(6) A part-time employee shall be deemed to have completed a year of continuous service in any case where he has, for a continuous period of fifty-two weeks, been regularly employed on a part-time basis.

Service payments.

**3**—(1) Subject to this Act, the Board of Management of a public hospital shall make service payments to every employee employed in the public hospital under its management.

(2) Service payments shall be in addition to any salary, wage, or allowance a Board of Management is required to pay an employee by virtue of any award made under the *Public Service Tribunal Act 1958* but shall otherwise, for all purposes, be deemed to be wages paid to the employee.

(3) In computing the service payment to which an employee is entitled, regard shall be had to the question of whether or not the employee is employed as a tradesman, and the appropriate rate in the schedule shall be applied in the case of that employee.

Entitlement to service payments.

**4**—(1) Service payments shall be paid to an employee in the circumstances set out in this subsection, namely:—

(a) to—

- (i) an adult employee; and
- (ii) a junior employee who is being paid wages at adult rates,

subject to completion of the number of years of continuous service set out in the schedule, at the appropriate rate set out in the schedule;

(b) to a junior employee—

- (i) who is not an apprentice; and
- (ii) who is not being paid wages at adult rates, after completion of one year of continuous service commencing on or after his nineteenth birthday, at the appropriate rate set out in the schedule in relation to an employee who is other than a tradesman; and

(c) to a junior employee who is an apprentice, after completion of one year of continuous service commencing on or after his nineteenth birthday, or after the commencement of the final year of his apprenticeship, whichever event is the first to occur, at the appropriate rate set out in the schedule in relation to an employee who is a tradesman.

(2) In computing the years of continuous service of an adult employee whose employment in a public hospital commenced as a junior employee, no account shall be had of any service prior to his attaining his nineteenth birthday.

(3) Where an employee has, for a period of one year, been paid service payments at a rate being less than the appropriate maximum rate set out in the schedule, he shall, as from the first pay period commencing after the completion of that period, be paid service payments at the rate next above that in the schedule at which he had been paid during that period.

**5** Notwithstanding any of the foregoing provisions of this Act, a part-time employee shall be paid service payments in any case where, if he were employed full-time, he would be entitled to service payments, at a rate which bears to those service payments the same proportion as the number of hours which he regularly works in a week bears to forty.

Service payments to part-time employees.

**6** Service payments under this Act shall be made in relation to the first full pay period which commences on or after the first day of July 1972 and every full pay period thereafter.

Commencement of service payments.

**THE SCHEDULE.**

(Section 4.)

RATE PER WEEK OF SERVICE PAYMENTS DURING THE YEARS ENDING ON THE THIRTIETH DAYS OF JUNE 1973 AND 1974 AND EVERY YEAR ENDING ON THE THIRTIETH DAY OF JUNE THEREAFTER.

	1972-1973	1973-1974	After 1973-1974
<b>TRADESMAN:</b>	\$	\$	\$
1. With one year of continuous service	3.40	3.95	4.50
2. With two years of continuous service	5.05	5.90	6.75
3. With three or more years of continuous service	6.75	7.90	9.00
<b>OTHER EMPLOYEE:</b>			
1. With one year of continuous service	2.85	3.30	3.80
2. With two years of continuous service	4.00	4.65	5.30
3. With three years of continuous service	5.10	5.95	6.80
4. With four or more years of continuous service	6.00	7.00	8.00

**R. H. HOUFE & CO PROPRIETARY LIMITED  
LOAN GUARANTEE.**

**No. 16 of 1972.**

AN ACT to authorize the Treasurer to guarantee the repayment of moneys proposed to be borrowed by R. H. Houfe & Co Proprietary Limited and the payment of interest thereon, and to provide for matters incidental thereto.

[27 July 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** This Act may be cited as the *R. H. Houfe & Co Proprietary Limited Loan Guarantee Act 1972.* Short title.