

(2) Paragraph (l) of subsection (1) of this section shall commence on the day on which the Governor assents to this Act, and the remaining paragraphs of that subsection shall commence on the first day of July 1965.

7—(1) The Principal Act (as amended by the foregoing provisions of this Act) is further amended—

Amendments to operate from date of introduction of decimal currency.

- (a) by omitting from paragraph (a) of subsection (4) of section twenty-three the words “five pounds” (being the words inserted by subsection (1) of section four of this Act) and substituting therefor the words “twenty dollars”; and
- (b) by omitting item 24 of the second schedule thereto (being the item so numbered that is inserted by paragraph (e) of subsection (1) of section five of this Act) and substituting therefor the following item:—

“ 24	Receipt: not being a receipt given by a person for salary or wages due to him— Where the sum received amounts to \$20 or upwards but does not exceed \$100 Where the sum received exceeds \$100—for each \$100 or fraction thereof	§ 0.03 0.03	} By the person signing or giving the receipt.”.
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(2) This section shall commence on the day on which Part II of the *Currency Act* 1963 of the Commonwealth commences.

WORKERS’ (OCCUPATIONAL DISEASES) RELIEF FUND.

No. 16 of 1965.

AN ACT to amend the *Workers’ (Occupational Diseases) Relief Fund Act* 1954.

[22 June 1965.]

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 *Workers’ (Occupational Diseases) Relief Fund Act* 1965.

Short title, citation, and commencement.

(2) The *Workers’ (Occupational Diseases) Relief Fund Act* 1954, 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.

Interpre-
tation.

2 Section three of the Principal Act is amended—

(a) by inserting in subsection (1), after the definition of “approved medical practitioner”, the following definition:—

““basic wage for Hobart” means such sum as may be fixed and declared to be the basic wage for Hobart pursuant to subsection (6) of this section;”;

(b) by omitting from the definition of “nurse” in that subsection the word “or” occurring at the end of paragraph (b) thereof;

(c) by adding at the end of that definition the following paragraph:—

“; or

“(d) by any body or authority that is declared by the Minister, by order made on the recommendation of the Board, to be an ambulance authority for the purposes of this Act—

(i) as a driver of, or an attendant on, vehicles ordinarily used for the conveyance of persons suffering from illness or injury; or

(ii) in such other capacity as the Board may determine;”;

(d) by adding at the end thereof the following subsections:—

“(6) Subject to this section, the Governor may, by order, fix and declare the sum that is to be treated for the purposes of this Act to be the basic wage for Hobart, and in exercising his powers under this subsection the Governor shall ensure that as far as appears to him practicable the sum that is for the time being so fixed is a sum equivalent to the sum that appears to him to have been determined under the *Conciliation and Arbitration Act 1904-1964* of the Commonwealth (or any Act of the Commonwealth amending or passed in substitution for that Act) as the sum per week that is the basic wage for Hobart.

“(7) An order made under subsection (6) of this section takes effect from the first day of July next after the date on which it is made, and, subject to subsection (8) of this section, continues in force until it is revoked by a subsequent order.

“(8) An order made under subsection (6) of this section shall not be revoked until it has remained in force for at least twelve months.

“(9) Notwithstanding anything in subsection (7) or subsection (8) of this section the order first made under subsection (6) of this section after the passing of the *Workers' (Occupational Diseases) Relief Fund Act 1965* takes effect from the commencement of that Act and may be revoked on the first day of July next after the date on which it was made.”.

3 Section six of the Principal Act is amended by omitting from subsection (2) the words “three pounds three shillings” and substituting therefor the words “five pounds five shillings”.

Remuneration of members.

4 Section twenty-two of the Principal Act is amended—

Compensation in case of incapacity.

(a) by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(3) The compensation payable under this section shall be by way of weekly payments, at the rate of such sum per week during the incapacity as is the aggregate of the following sums, namely:—

- (a) A sum equal to such proportion as the Board may determine, not exceeding seventy per cent, of the amount for the time being of the basic wage for Hobart, in respect of the employee himself;
- (b) Where applicable, a sum equal to such proportion as the Board may determine, not exceeding seventeen per cent, of the amount for the time being of the basic wage for Hobart, in respect of the wife of the employee or any one entitled relative within the meaning of subsection (3AA) of this section, if the wife or relative is wholly or mainly dependent on the earnings of the employee at the date when the incapacity occurred; and
- (c) Where applicable, a sum equal to such proportion as the Board may determine, not exceeding nine per cent, of the amount for the time being of the basic wage for Hobart, in respect of each child of the employee who is wholly or mainly dependent on the

earnings of the employee at the date when the incapacity occurred and who—

- (i) is under the age of sixteen years; or
- (ii) is under the age of twenty-one years and is receiving full-time education at a university, college, school, or similar institution.

“(3AA) In relation to an employee the following persons are entitled relatives for the purposes of paragraph (b) of subsection (3) of this section, namely:—

- (a) Any relative of the employee who is standing *in loco parentis* to a child of the employee who is under the age of sixteen years; and
- (b) Any relative of the employee who was standing *in loco parentis* to a child of the employee before that child attained the age of sixteen years and who the Board considers should in the circumstances be treated as an entitled relative for the purposes of that paragraph.”; and

(b) by omitting subsections (5), (6), (7), and (8) and substituting therefor the following subsections:—

“(5) Where an employee is permanently incapacitated, either wholly or partially, from continuing to work as an employee and is entitled to compensation under this section he may, if he has attained the age of twenty-one years, enter into an agreement in writing with the Board to receive a lump sum in satisfaction of the whole or a part of the weekly payments to which he would otherwise be so entitled; and upon payment of that lump sum his right to those weekly payments shall be deemed to have been satisfied to the extent specified in the agreement.

“(6) An agreement made under subsection (5) of this section shall be filed with the Board.

“(7) No payments shall be made by way of compensation under this section the aggregate of which, as determined in accordance with section twenty-five AA, exceeds two hundred and eighty-four times the amount of average basic wage for Hobart for the period of those payments, as determined in accordance with that section.

“(8) Any payments which the Board would have otherwise been required to make under this section to a person who is under the age of twenty-one years may be made to the Public Trustee to be applied by him at his discretion for the benefit of that person.”.

- 5** Section twenty-four of the Principal Act is amended— Compensation in case of death.
 (a) by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) The compensation payable in respect of the death of any person is a sum of an amount calculated by multiplying the basic wage for Hobart at the date of his death by the appropriate multiplier and deducting from the product the aggregate of the amounts (as determined in accordance with section twenty-five AA) of the sums paid to him by way of compensation under this Act before his death.

“(3) The appropriate multiplier for the purposes of subsection (2) of this section is two hundred and sixty-three, increased, in the case of a person who leaves one or more dependent children, each of whom, at the date of the death of that person, either is under the age of sixteen years or is under the age of twenty-one years and receiving full-time education at a university, college, school, or similar institution, by—

- (a) if there are not more than three such children, seven in respect of each of those children; or
 (b) if there are more than three such children, twenty-one.”; and

- (b) by omitting subsection (5) of that section and substituting therefor the following subsection:—

“(5) Where a person does not leave any dependants who are wholly dependent on his earnings or who would have been so dependent but for his incapacity due to disease, the Board may reduce the compensation that would otherwise be payable under this section on his death by such amount as it considers reasonable.”.

- 6** Section twenty-five of the Principal Act is amended— Payments to dependants of deceased employee.
 (a) by inserting in subsection (1), after the word “twenty-four,” the words “but subject to this section,”; and
 (b) by omitting all the words in that subsection following the words “that section;” (first occurring) and substituting therefor the words “but where, by virtue of a determination made by the Board under section twenty-three, the total

compensation payable to the employee is a proportion only of the total compensation that could have been paid to him under this Act if by reason of his suffering from a disease referred to in that section he was incapacitated from continuing to work as an employee, the appropriate multiplier referred to in subsection (2) of section twenty-four shall, for the purpose of determining the amount of compensation payable to his dependants under this section, be reduced in the like proportion.”

7 After section twenty-five of the Principal Act the following section is inserted:—

Calculation of
payments, &c.

“25AA—(1) Where, for the purposes of this Part, it is necessary to determine the aggregate of the payments made under this Part by way of compensation to any employee, that aggregate shall be deemed to be the aggregate of the following amounts, namely:—

- (a) The aggregate of the weekly payments made to the employee by way of compensation under this Part; and
- (b) An amount that bears to the aggregate of the amounts of any lump sum payments made to the employee by way of compensation under this Part the same proportion as two hundred and eighty-four bears to two hundred and sixty-three.

“(2) The average weekly wage for Hobart for any period shall be determined for the purposes of this Act by dividing by the number of weeks in the period the aggregate of the sums that would have been paid if on each day of the period a sum was paid that was equal to one-seventh of the basic wage for Hobart for that day.

“(3) References in this Part to the period of any payments shall in relation to a lump sum paid in respect of any incapacity be construed as references to the period commencing with the commencement of the period of the relevant incapacity and ending—

- (a) where the lump sum is paid under an agreement made under subsection (5) of section twenty-two, on the date on which the agreement was entered into; or
- (b) where the lump sum is paid under subsection (10) of that section, on the date on which the Board determined to make the payment of that lump sum.

“(4) Where it has been established to the satisfaction of the Board in accordance with this Part that a person is suffering from an incapacity or disease to such an extent as would authorize or require the Board to make payments

by way of compensation under this Part in respect of that incapacity or disease the date on which that fact is so established shall, for the purposes of subsection (3) of this section, be deemed to be the date of the commencement of the relevant period of incapacity in relation to any payments made by way of compensation under this Part in respect of that incapacity or that disease or any incapacity arising from the disease, whether or not those payments are made as a consequence of any increase in the severity or extent of the disease or incapacity."

8 Section twenty-nine of the Principal Act is amended by adding at the end of subsection (3) the words "and may be so prescribed with reference to the basic wage for Hobart at any relevant time." Compensation in respect of nurses.

9 Section forty-eight of the Principal Act is amended by inserting in subsection (2), after paragraph (a), the following paragraphs:— Regulations.

"(ab) require the payment to the Board of sums in reimbursement of the expenses incurred by it in the arrangement of a medical examination or medical treatment for any person under this Act to which that person without reasonable excuse fails to submit himself;

"(ac) authorize the Board to deduct those sums from any payments due to that person from the Board or to recover those sums from the employer of that person and, where those sums are so recovered from that employer, authorize him to make corresponding deductions in the remuneration of that person;

"(ad) provide for the issue to any person who is or has been an employee of a record book and for the recording therein of the medical examinations and medical treatment to which that person has submitted himself under this Act;

"(ae) require the production on such occasions or in such circumstances as may be prescribed of a record book so issued;

"(af) require the payment of a fee on the issue of a record book in place of one that has been lost, destroyed, or defaced;"

10—(1) Where any weekly payments by way of compensation fall due to be paid under Part III of the Principal Act after the commencement of this Act in pursuance of a determination made before that commencement, that determination has effect as if the determination fixed the amount of those weekly payments to be such proportion of the basic wage for Hobart for the time being as the amount of each of those weekly payments actually fixed by the determination bears Transitory provisions.

to the amount that by virtue of this section is deemed to have been the basic wage for Hobart immediately before the commencement of this Act.

(2) Subsection (1) of this section does not apply to any payments made in pursuance of section twenty-five A of the Principal Act.

(3) The basic wage for Hobart at any time before the commencement of this Act shall be deemed to be a sum that bears to the maximum amount of the weekly payment that could, at that time, have been paid to an unmarried employee under subsection (2) of section twenty-two of the Principal Act, the same proportion as one hundred bears to seventy.

Application
to compen-
sation pay-
able under
the repealed
Act.

11—(1) Subsection (1) of section ten applies in relation to payments falling due to be made under Part II of the repealed Act as it applies to payments falling due to be made under Part III of the Principal Act.

(2) In relation to an employee to whom section two of the *Workers' (Occupational Diseases) Relief Fund Act 1955* applies who, at the commencement of this Act, was in receipt of compensation by way of weekly payments under the repealed Act that section has effect as if—

- (a) the reference in paragraph (a) of subsection (2) of that section to paragraph (a) of subsection (7) of section twenty-two of the Principal Act were a reference to subsection (7) of section twenty-two of the Principal Act as amended by this Act; and
- (b) the reference in paragraph (b) of subsection (2) thereof to the sum specified therein were a reference to a sum determined in accordance with subsections (2) and (3) of section twenty-four of the Principal Act as amended by this Act.

(3) In its application for the purposes of this section of any provision of the Principal Act—

- (a) payments by way of compensation made or falling due to be made under the repealed Act shall be treated as payments made or falling due to be made under the Principal Act; and
- (b) the basic wage for Hobart at any time before the commencement of the Principal Act shall be deemed to be a sum that bears to the maximum amount of the weekly payment that could, at that time, have been paid to an unmarried employee under subsection (2) of section thirty-four of the repealed Act, the same proportion as one hundred bears to seventy.