

8 Section thirteen of the Principal Act is amended— Regulations.

- (a) by inserting in paragraph (b), after the word "disease", the words "or noxious organism";
- (b) by omitting from paragraph (c) the words "plants of specified species or kinds" and substituting therefor the words "any plants specified in the regulations";
- (c) by omitting paragraph (d);
- (d) by omitting from paragraph (e) the words "species or kinds of"; and
- (e) by adding at the end thereof the following subsection:—

"(2) Regulations made under this Act may prescribe or specify plants with reference to all or any of the following matters, namely:—

- (a) Their species or kind; and
- (b) The manner in which, or the conditions under which, the place from which or at which, or the purposes for which, they are imported or brought into the State."

WORKERS' COMPENSATION.

No. 9 of 1966.

AN ACT to amend the *Workers' Compensation Act 1927*. [20 July 1966.]

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' Compensation Act 1966*. Short title and citation.

(2) The *Workers' Compensation Act 1927*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is amended— Interpretation.

- (a) by omitting from subsection (1) the definition of "Chief Inspector";
- (b) by adding at the end of the definition of "dependants" in that subsection the words "and also includes a dependent female";

- (c) by inserting in that subsection, after that definition, the following definition:—

“ ‘dependent female’ means a woman who for not less than three years immediately before the date on which a worker died, or sustained an injury or was disabled as the result of a disease, although not legally married to him, lived with him as if she were his wife on a permanent and *bona fide* domestic basis (being a female who was, at that date, dependent wholly or in part upon the earnings of the worker);”;

- (d) by adding at the end of the definition of “hospital service” in that subsection the words “and also includes the cost to a worker of any fares, travelling expenses, and maintenance necessarily and reasonably incurred by him in obtaining any hospital service;”;
- (e) by omitting from the definition of “medical service” in that subsection the word “and”, occurring after paragraph (c) of that definition, and by adding at the end of that definition the following word and paragraph:—

“; and

“(e) the cost to a worker of any fares, travelling expenses, and maintenance necessarily and reasonably incurred by him in obtaining any medical service;”;

- (f) by inserting in that subsection, after the definition of “seaman”, the following definition:—

“ ‘Secretary’ means the Secretary for Labour;”;

- (g) by inserting after subsection (5) thereof the following subsection:—

“(5A) For the purposes of subsection (5) of this section, where the weekly wage for an unskilled male labourer (being a labourer of or over the age of twenty-one years) employed in Hobart as determined in the award made under the *Conciliation and Arbitration Act 1904-1965* of the Commonwealth known as the Metal Trades Award is, or has at any time after the twenty-eighth day of June 1965 been, altered (whether by way of increase or decrease) that alteration shall be deemed to be an alteration of the basic wage for Hobart and in such a case the power conferred on the Governor by that subsection is exercisable as if that alteration were an alteration in the basic wage for Hobart, and any reference in this Act to the basic wage for Hobart shall be construed accordingly.”;

- (h) by omitting from subsection (6) thereof the words "July next after the date on" and substituting therefor the words "the month next following the month in", and by omitting paragraph (b) of that subsection; and
- (i) by omitting subsection (7) thereof and substituting therefor the following subsection:—

"(7) Not more than one order under subsection (5) of this section shall be made in any one year."

3 Section five of the Principal Act is amended by omitting paragraph (d) of subsection (3A) thereof and substituting therefor the following paragraph:—

Liability of employers in respect of injuries sustained by workers.

"(d) while the worker is travelling, in either direction, between his place of employment and his place of residence."

4 After section five of the Principal Act the following section is inserted:—

"5AA. No order shall be made in proceedings for payment of compensation under this Act in favour of a dependent female unless the evidence of the dependent female with respect to her cohabitation with, and dependency upon, the worker is supported by evidence which in the opinion of the judge, tends to establish the truth of her evidence with respect thereto."

Corroboration of certain facts required in claims by dependent females.

5 Section eight A of the Principal Act is amended by omitting subsection (2) thereof and substituting therefor the following subsection:—

Liability of employers for medical and hospital services, &c.

"(2) The total amount which an employer is liable to pay in accordance with this section in respect of any one worker is two thousand five hundred dollars."

6 Section eight B of the Principal Act is amended by omitting subsection (3) thereof and substituting therefor the following subsection:—

Liability of employers for certain travelling, &c., expenses.

"(3) The sum payable for the purpose of defraying the cost of meals and lodging pursuant to subsection (2) of this section shall be at the rate of six dollars a day, but so that the total amount payable in any one week in respect of any one worker does not exceed the sum of thirty dollars and the sum so payable in the aggregate in respect of any one worker does not, in any case, exceed two hundred and fifty dollars."

7 After section eight C of the Principal Act the following sections are inserted in Part II:—

Compensation to Tasmanian workers injured, &c., outside the State.
Cf. No. 15 of 1926 (N.S.W.), s. 7 (1A) (part), No. 6419 (Vict.), ss. 7, 7A.

“8D—(1) Where an employer has a place of employment or business in this State or is for the time being present in this State and in this State employs a worker and the worker suffers personal injury by accident occurring outside this State or is disabled or dies as the result of a disease contracted outside this State in such circumstances that, if the injury had been sustained or the disease had been contracted within this State, he or his dependants would have been entitled to compensation under this Act, the worker and, in the case of his death, his dependants shall, subject to this Act, be deemed to be entitled to compensation under this Act.

“(2) Where a worker is required or directed by his employer to work for or under the direction of any other person outside this State, his employer shall, for the purposes of this Act, be deemed to continue to be the employer of that worker while he is working in pursuance of that requirement or direction.

Worker not entitled to double compensation.
N.S.W., s. 7 (1A) (part).

“8E Notwithstanding anything in section eight D—

(a) compensation is not payable pursuant to that section if, in respect of the injury or disease, the worker (or in the case of the worker's death any of his dependants) has received compensation under the law of any country other than Australia or of any State other than this State or of any Territory of the Commonwealth (being a law relating to the compensation of workers in respect of injuries sustained or diseases contracted in the course of their employment) or the worker or any of his dependants has obtained judgment against the employer independently of this Act; and

(b) if the worker or any of his dependants receives compensation pursuant to that section in respect of the injury or disease and subsequently, in respect of the injury or disease, receives compensation under such a law as is referred to in paragraph (a) of this section or obtains judgment against the employer independently of this Act, the employer is entitled to recover from the worker or that dependant the amount of the compensation paid to the worker or dependant pursuant to that section.”.

Right of worker to take action independently of this Act.

8 Section nine of the Principal Act is amended by inserting after subsection (5) thereof the following subsection:—

“(5A) Subject to section twenty-four, where a worker who is entitled under this Act to weekly payments during his incapacity takes proceedings independently of this Act for damages for the injury in respect of which he is entitled to receive those weekly payments, his employer shall, pending

the determination of those proceedings, pay or, as the case requires, continue to pay to the worker all such weekly payments to which the worker is so entitled as if those proceedings had not been taken.”.

9 Section fourteen of the Principal Act is amended by adding at the end thereof the following subsection:— Jurisdiction and procedure.

“(3) Notwithstanding the operation of, or anything contained in, the *Supreme Court Civil Procedure Act 1932* or the Rules of Court made thereunder, the provisions of this section and of section thirty-three apply, and shall be deemed always to have applied, to and in relation to all proceedings and matters under this Act, other than appeals under section seventeen.”.

10 Section seventeen of the Principal Act is amended— Right of appeal.

- (a) by omitting therefrom the words “as hereinafter provided”; and
- (b) by adding at the end thereof the following subsection:—

“(2) An appeal under this section shall be instituted, heard, and determined in accordance with the provisions of the *Supreme Court Civil Procedure Act 1932* and the Rules of Court made thereunder.”.

11 Sections eighteen, nineteen, and twenty of the Principal Act are repealed. Repeal.

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

“25 Where a worker who is in receipt of a weekly payment ceases to reside in this State, he is entitled to receive quarterly the payments accruing due in the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed— Right of worker to receive weekly payments if he ceases to reside in this State.

- (a) his address and identity; and
- (b) the continuance of the incapacity in respect of which the payment is payable.”.

13 Section thirty-four of the Principal Act is amended by adding at the end thereof the following subsection:— Insurance of employer obligatory.

“(11) This section does not oblige—

- (a) the Crown (whether in relation to this State or otherwise); or
- (b) any department of the Government, or any public statutory body constituted under any law of the Commonwealth or of any Territory of the Commonwealth or of any State other than this State,

to obtain such a policy of accident insurance or indemnity as is mentioned in subsection (1) of this section.”.

Regulations.

14 Section thirty-six of the Principal Act is amended by adding at the end of paragraph (a) of subsection (1) thereof the words "(other than appeals under section seventeen)".

The first schedule.

15 The first schedule to the Principal Act is amended—
(a) by adding at the end of rule 3, the following sub-rule:—

"(3) No sum is payable under this rule to a dependent female in any case where any other person who, at the time of the death of the worker, was dependent wholly or in part upon his earnings is entitled to claim compensation under this Act.";

(b) by omitting the word "and" occurring after sub-paragraph (ii) of paragraph (a) of sub-rule (2) of rule 3, and by inserting after that sub-paragraph the following sub-paragraph and word:—

"(iiA) Where applicable, but subject to sub-rule (2A) of this rule, a sum equal to seventeen per cent of the amount for the time being of the basic wage for Hobart in respect of one female who is wholly or mainly dependent on the earnings of the worker at the date when the injury is sustained and who—

(A) is an adult and is caring for any child of the worker who is under sixteen years of age;

(B) is a member of the worker's family and is more than sixteen years of age but not more than twenty-one years of age; or

(C) is a dependent female; and";

(c) by inserting in sub-paragraph (i) of paragraph (b) of that sub-rule, after the word "sustained", the words "was less than or equal to the amount for the time being of the basic wage for Hobart or";

(d) by inserting after that sub-rule the following sub-rule:—

"(2A) No sum is payable pursuant to sub-paragraph (iiA) of paragraph (a) of sub-rule (2) of this rule in any case where a sum is payable pursuant to sub-paragraph (ii) of that paragraph."; and

(e) by omitting sub-rule (3) of rule 5.

16 The sections of the Principal Act that are specified in the first column of the schedule to this Act are amended as respectively specified in the second column of that schedule.

Consequential and formal amendments of the Principal Act.

THE SCHEDULE.

(Section 16.)

Consequential and formal amendments of the Principal Act.

FIRST COLUMN. Section amended.	SECOND COLUMN. How amended.
10	Transpose the word "and", occurring after paragraph (a), to follow paragraph (b).
12	From subsections (1), (2), (4), (5), (6), (7), and (8) omit "Chief Inspector" (wherever occurring) and substitute "Secretary", in each case.
13	From subsection (1A) omit "Chief Inspector" and substitute "Secretary".
24	From subsection (1A) omit "Chief Inspector" and substitute "Secretary".
31	From subsections (1) and (2) omit "Chief Inspector" (wherever occurring) and substitute "Secretary", in each case.
32	Omit "Chief Inspector" and substitute "Secretary".
32A	From subsection (1) omit "Chief Inspector" and substitute "Secretary".
34	From subsection (4) omit "Chief Inspector" and substitute "Secretary". From subsection (5) omit "Chief Inspector or any inspector under the <i>Factories Act 1910</i> ," and substitute "Secretary or any authorized officer (within the meaning of the <i>Factories, Shops, and Offices Act 1965</i>)".

EDUCATION.

No. 10 of 1966.

AN ACT to amend the *Education Act 1932*.

[20 July 1966.]

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 *Education Act 1966*.

Short title and citation.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section forty-six A of the Principal Act is repealed and the following section is substituted therefor:—

"46A—(1) For the purposes of this Part there shall be a board, to be called the Schools Board of Tasmania (in this Part referred to as 'the Schools Board').

The Schools Board of Tasmania.