

Paragraphs (b) and (c) of subsection (2A) and subsection (3) of section eight;

Paragraph (a) of subsection (1) of section ten;

Section eleven;

Subsection (1) of section twelve.

2. The following provisions of the Principal Act are amended by omitting therefrom the word "police" (wherever occurring) and substituting therefor, in each case, the word "stipendiary", namely:—

Subsections (1) and (3) of section twelve;

Section thirteen;

Section fourteen;

Section twenty-one.

3. Section three of the Principal Act is amended by omitting from paragraph (c) the words "the *Municipal Employees' Long Service Leave Act 1951*" and substituting therefor the words "Division III of Part VI of the *Local Government Act 1962*".

4. Section four of the Principal Act is amended by omitting from subsection (1) the words "*Factories Act 1910*" and substituting therefor the words "*Factories, Shops, and Offices Act 1965*".

5. Section fourteen of the Principal Act is amended—

(a) by omitting from subsection (2) the words following the words "under the" and substituting therefor the words "*Justices Act 1959*"; and

(b) by omitting from subsection (3) the words "mentioned in subsection (2) of this section" and substituting therefor the words "of the *Justices Act 1959*".

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## EDUCATION (No. 2).

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### No. 69 of 1972.

#### AN ACT to amend the *Education Act 1932*.

[17 January 1973.]

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 (No. 2.)* Short title and citation.  
1972.

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

Teachers'  
training.

**2**—(1) Section four A of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) For the purposes of the *Workers' Compensation Act 1927* any person who, pursuant to the regulations made under this Act, holds a scholarship or studentship for the purposes of his training as a teacher shall be deemed, by virtue thereof, to be in the employment of the Crown and—

- (a) any training or instruction undertaken, or any work done, by him in pursuance of that scholarship or studentship shall be deemed to be so undertaken or so done in the course of that employment; and
- (b) any allowance or remuneration received by him as the holder of that scholarship or studentship shall be deemed to be his earnings in that employment.”.

(2) This section shall be deemed to have commenced on the second day of June 1970 and in the application of this section to any accident, injury, or death that occurred before the commencement of this Act section eleven of the *Workers' Compensation Act 1927* has effect as if that accident, injury, or death happened at the commencement of this Act.

Capitation  
grants to  
private  
schools.

**3**—(1) Section forty-nine of the Principal Act is amended by omitting from subsection (4) all the words following the word “child” (first occurring) and substituting therefor the words “who is under the age of five years”.

(2) Subsection (1) of this section shall be deemed to have commenced on the first day of July 1972.

Interpreta-  
tion of  
Part VI.

**4** Section fifty of the Principal Act is amended—

- (a) by inserting in the definition of “loan agreement” in subsection (1), after the words “the agreement”, the words “, as it subsists from time to time,”;
- (b) by inserting in that subsection after the definition of “loan agreement” the following definitions:—

“‘original loan’ has the meaning assigned to that expression by subsection (1A) of section fifty-one and, when used in relation to a re-financing loan, means the original loan in respect of which that re-financing loan was made;

“‘re-financing loan’ has the meaning assigned to that expression by subsection (1A) of section fifty-one;”;

- (c) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) For the purposes of this Part a loan shall be deemed to have been made when the whole of the money the subject of the loan has been paid to, or at the direction of, the person to whom it is paid; and where two or more sums are paid, by way of loan, at different times under the same loan agreement, any one or more of those sums may, with the consent of the Treasurer, given on the recommendation of the Minister, be treated as a single and separate loan for the purposes of this Part.”.

**5** Section fifty-one of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting therefor the following subsections:—

Subsidies in respect of interest on loans to certain private schools.

“(1) In accordance with this Part subsidies may be paid to the governing body of a school that is registered under Part IV and is not conducted for private gain in respect of the interest paid on a loan made to it for the purpose of meeting capital expenditure incurred in the provision, alteration, or extension of—

- (a) accommodation for the teaching of children attending the school; or  
(b) residential accommodation for those children.

“(1A) Where a loan (in this Part referred to as an ‘original loan’) has been made for the purposes of meeting capital expenditure there shall also be treated, for the purposes of this Act, as a loan made for the purpose of meeting that expenditure, any loan (in this Part referred to as a ‘re-financing loan’) made for the purpose of meeting the payments of interest on, or the repayment of any of the principal of, that original loan and any other loan that by virtue of this subsection is to be treated as a loan made for the purpose of meeting that expenditure.

“(1B) For the purposes of subsection (1) of this section capital expenditure means expenditure on—

- (a) the acquisition of land, whether containing buildings or other improvements or not;  
(b) the erection, alteration, or extension of buildings; or  
(c) the installation of water, electricity, or sewerage services,

or on any works or operations necessarily incidental to the matters referred to in the foregoing paragraphs of this subsection.”;

- (b) by omitting from subsection (2) the words “could be” and substituting therefor the words “is being”;  
(c) by omitting from subsection (3) the words “a building that has ceased to be used” and substituting therefor the words “any land or building that has ceased to be used or to be available for use”; and  
(d) by omitting from subsection (5) the word “paid” (first occurring) and substituting therefor the word “payable”.

**6** Section fifty-two of the Principal Act is amended by omitting subsections (1) and (2) and substituting therefor the following subsection:—

Loans in respect of which subsidies are payable.

“(1) A subsidy is not payable under this Part unless such of the following requirements as are applicable to that loan are complied with, that is to say:—

- (a) The loan was not made earlier than the first day of July 1950;

- (b) If the loan is a re-financing loan, the original loan was made not earlier than that date; and
- (c) If the loan was made on or after the first day of July 1970, the Minister is satisfied that the governing body to whom the loan was made is bound by the loan agreement to repay the loan by periodic instalments so that the whole of the loan is repaid within a period of twenty years from—
  - (i) if the loan is an original loan, the date on which it was made; or
  - (ii) if the loan is a re-financing loan, the date on which the original loan was made.”.

**7** After section fifty-two of the Principal Act the following section is inserted:—

Application  
of Part VI in  
respect of  
certain  
old loans.

“52A—(1) On and after the first day of April 1972 (in this subsection referred to as the ‘relevant day’) the following provisions of this section have effect for the purposes of this Part in respect of loans made before the first day of July 1970, namely:—

- (a) The principal of the loan remaining due to be paid on or after the relevant day shall be deemed to be all moneys that immediately before that day remained due to be paid under the loan agreement, whether by way of repayment of principal or by way of interest;
- (b) All the obligations arising under the loan agreement before that day for the payment of any sums, whether by way of repayment of principal or by way of interest, shall be deemed to have been fulfilled; and
- (c) Where at the relevant day the loan agreement did not require the repayment of principal by periodic instalments it shall be deemed to be a loan agreement that then required the repayment of that principal by equal annual instalments, each falling due to be paid on the thirty-first day of March, over the period of twenty years commencing on the first day of April 1972.

“(2) Without prejudice to the provisions of subsection (1) of this section, this Part (other than section fifty-five) has effect in relation to a loan to which paragraph (c) of that subsection applies as if it were an original loan made on the first day of April 1972.”.

Amount of  
subsidy.

**8** Section fifty-three of the Principal Act is amended—

- (a) by inserting after subsection (2) the following subsection:—
 

“(2A) Subsidies are not payable in respect of original loans for any periods before the first day of April 1970 and are not payable in respect of re-financing loans for any periods before the first day of April 1972.”;
- (b) by omitting from subsection (3) the words “The amount of the subsidy paid” and substituting therefor the words “For periods before the first day of April 1972, the amount of the subsidy payable”;

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

“(3A) For periods after the thirty-first day of March 1972 the amount of the subsidy payable in respect of a loan for any year shall not exceed—

(a) an amount equivalent to seven per cent of that part of the principal of the loan that, assuming all the terms of the loan agreement are fulfilled, remained, or would have remained, to have been paid at the end of the previous year; or

(b) the amount of the interest actually payable on that loan in respect of that year,

whichever is the less.”;

- (d) by omitting from subsection (4) all the words before the words “the amount” and substituting therefor the words “Where, on or after the first day of April 1972, a loan agreement is varied”; and

- (e) by omitting subsection (5) and substituting therefor the following subsection:—

“(5) Where, under the foregoing provisions of this section, a subsidy is payable in respect of a period that is a part of a year the maximum amount of that subsidy that is payable for that period is an amount that bears the same proportion to the maximum amount of that subsidy that could have been paid if the subsidy had been payable for the whole year as the length of that period bears to a whole year.”.

**9** Section fifty-four of the Principal Act is repealed and the following section is substituted therefor:—

“54 A subsidy in respect of a loan for a year may be paid in part or by instalments but no payment by way of subsidy shall be made unless the interest accruing on the loan before the date of the payment has been paid or unless the effect of that payment will be to discharge the liability to pay that interest.”.

Payment of  
subsidy.

**10** Section fifty-five of the Principal Act is amended—

- (a) by omitting subsections (1) and (2) and substituting therefor the following subsections:—

Repayment  
of subsidies  
in certain  
cases.

“(1) Where subsidies have been paid under this Act in respect of a loan made in respect of any school accommodation and the land or building used or intended for use for that accommodation ceases, within a period of thirty years from the commencing date, to be used, or to be available for use, for school accommodation, the governing body of the school shall pay to the Treasurer a sum of an amount equivalent to one-thirtieth of the aggregate amount of those subsidies for each complete year of that period that follows the date on which that building or land ceased to be so used or available for use.

“(1A) In subsection (1) of this section ‘commencing date’ means—

(a) in the case of a re-financing loan, the date of the original loan; and

(b) in the case of an original loan, the date of the loan.

“(2) Where some part only of any land or building referred to in subsection (1) of this section ceases to be used, or to be available for use, for school accommodation that subsection applies in relation to such proportion of the subsidies so referred to as the Treasurer on the recommendation of the Minister, determines.”;

(b) by omitting from subsection (3) the word “a” and substituting therefor the words “any land or”; and

(c) by inserting in that subsection, after the word “used”, the words “, or to be available for use,”.

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## CIGARETTES (LABELLING).

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No. 70 of 1972.

AN ACT to prohibit the sale of cigarettes except in packages marked with the prescribed health warning and to provide for matters incidental thereto. [17 January 1973.]

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  
and commence-  
ment.

**1**—(1) This Act may be cited as the *Cigarettes (Labelling) Act* 1972.

(2) This Act shall commence on the first day of May 1973.