



**EMPLOYMENT PROTECTION (TASMAN BRIDGE
DISASTER)**

No. 29 of 1975

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**AN ACT to protect persons affected in relation to their employment
by the Tasman Bridge disaster.**

[23 May 1975]

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 *Employment Protection (Tasman Bridge Disaster) Act 1975*. Short title.

Interpretation.

2 In this Act unless the contrary intention appears—

“adverse conditions” means any weather conditions or other circumstances that prevent, or interfere with, the normal operation of public ferry services across the River Derwent;

“discriminate” means create or impose any distinction, exclusion, restriction, or preference;

“Secretary” means the Secretary for Labour.

Prevention of discrimination.

3—(1) An employer shall not dismiss, penalize, or discriminate against an employee of his by reason of the failure of that employee to present himself for work at the required time on any day, if that failure was due to adverse conditions.

(2) No person shall do any act involving discrimination in employment based on the ordinary place of abode of a person seeking employment with him where the capacity of the person seeking the employment to fulfil the obligations of his employment might be affected from time to time by adverse conditions.

(3) Subject to this Act, a person who contravenes this section is guilty of an offence and liable to a penalty of \$2 000 or 3 months' imprisonment.

Limitation on prosecutions.

4—(1) If a person claims that he is aggrieved by an act that constitutes a contravention of section 3 and that has affected him in his employment or prevented him from obtaining employment he may request the Secretary to inquire into the claim.

(2) On receipt of a request under subsection (1) the Secretary shall cause the claim to be investigated, and, if he considers it appropriate, shall require the person against whom the claim is made to show cause why he should not be charged with an offence against section 3 in relation thereto.

(3) No person shall be charged with an offence under section 3 unless the Secretary has issued his certificate that, in his opinion, that person, on being required to do so under subsection (2), has failed, or been unable, to show cause why he should not be charged with the offence.

Saving for employers.

5—(1) Nothing in this Act requires an employer to pay wages, salary, or other remuneration in respect of any period during which an employee is absent from work.

(2) Nothing in this Act prevents an employer from taking any action against, or in relation to, an employee that he is otherwise entitled to take in a case where the employee falsely pretends that a failure to present himself for work at a required time was due to adverse conditions.

6 This Act binds the Crown.

Act to bind
Crown.

7 This Act expires on 30th April 1976.

Expiry of Act.