

Index Number Groups "Court" Series, Hobart (Third Series).	AMOUNT OF ADJUSTMENT.	
	In the case of a salary payable under section 8 or section 8A of the <i>Ministers of the Crown Act 1923</i> — Shillings per pay (twice monthly).	In the case of an allowance payable under section 4 of the <i>Payment of Members Act 1927</i> — Shillings per month.
<i>Decrease</i> —	s. d.	s. d.
86·5 — 88·4 ...	17 4	34 8
88·5 — 90·4 ...	13 0	26 0
90·5 — 92·4 ...	8 8	17 4
92·5 — 94·4 ...	4 4	8 8
<i>No change</i> —
94·5 — 96·4
<i>Increase</i> —		
96·5 — 98·4 ...	4 4	8 8
98·5 — 100·4 ...	8 8	17 4
100·5 — 102·4 ...	13 0	26 0
102·5 — 104·4 ...	17 4	34 8

4. In the event of the index number being more than 104·4 or less than 86·5, salaries and allowances to which this Act relates shall be further increased or decreased on the basis of the table set forth in paragraph 3 of this schedule, that is to say, for each further rise or fall of 2·0 points in the index number those salaries and allowances shall be increased or decreased, as the case may be, by four shillings and fourpence per pay, in the case of a salary payable under section eight or section eight A of the *Ministers of the Crown Act 1923**, or eight shillings and eightpence per month in the case of an allowance payable under section four of the *Payment of Members Act 1927*†.

* 14 Geo. V. No. 2. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 913. Subsequently amended by 7 Geo. VI. No. 36, 9 & 10 Geo. VI. No. 51, 11 Geo. VI. No. 51, and No. 59 of 1948.

† 18 Geo. V. No. 15. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 916. Subsequently amended by 7 & 8 Geo. VI. No. 83, 9 & 10 Geo. VI. No. 50, and No. 59 of 1948.

PLUMBERS' REGISTRATION.

No. 74 of 1951.

AN ACT to make provision for the registration of plumbers, for the constitution of a Plumbers' Registration Board, and for matters incidental thereto.

[18 December, 1951.]

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 *Plumbers' Registration Act 1951*.

Short title
and com-
mencement.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpre-
tation.

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

“local authority” means the council of any city or municipality;

“prescribed area” means any city or municipality, or any part thereof, declared by a local authority, pursuant to subsection (2) of this section, to be a prescribed area for the purposes of this Act;

“secretary” means the person appointed as the secretary to the board, as provided by section eight.

(2) Any local authority may—

(a) in the case of a city, by resolution; and

(b) in the case of a municipality, by special resolution,

published in the *Gazette*, declare the city or municipality comprising the district of that local authority, or any specified part of that city or municipality, to be a prescribed area for the purposes of this Act, but a local authority whose district is a municipality shall not include any part thereof outside the boundaries of a town unless the whole of that part is connected, or immediately entitled or liable to be connected, to a public supply of water or to a sanitary sewerage system.

Plumbers'
Registration
Board.

Cf. 13 Geo.
VI. No. 55
(Qld.), s. 7.

3—(1) For the purposes of this Act, there shall be a board, to be called the Plumbers' Registration Board, which shall consist of five persons appointed by the Governor.

(2) Of the members of the Board—

(a) one shall be nominated by the body of persons known as the Master Plumbers' Association of Tasmania;

(b) one shall be a person nominated by the body of persons known as the Plumbers' and Gasfitters' Union of Australia, Tasmanian Branch;

(c) one shall be a person nominated jointly by the Hobart City Council and the Launceston City Council, or, if those Councils do not agree as to the person to be so nominated, shall be a person appointed as provided by subsection (3) of this section;

(d) one shall be a person nominated by the Municipal Association of Tasmania; and

(e) one shall be the Director of Public Health or an officer of the Department of Public Health nominated by the Director.

(3) If the Hobart City Council and the Launceston City Council do not agree as to the person to be nominated jointly by them for the purposes of paragraph (c) of subsection (2) of this section, each of those Councils shall, within one month after being required by the Minister so to do, submit to the Minister the names of two persons for appointment to the Board and the Minister shall select one of those persons and shall recommend to the Governor that the person so selected be appointed to the Board to represent those Councils, and the Governor may appoint that person accordingly.

(4) Subject to subsection (3) of this section, if any nomination required by this section is not made within six weeks after notice, in writing, to nominate a person for appointment to the Board is given by the Minister to the person or body concerned, the Governor may appoint a member to represent that person or body without any nomination.

(5) Any officer of the Public Service may be appointed as a member of the Board and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(6) The members of the Board, as such, shall not be subject to the provisions of the *Public Service Act 1923** or be employees for the purposes of the *Superannuation Act 1938†*.

(7) Subject to this Act, each member of the Board shall hold office for the term of three years.

(8) Where any vacancy occurs in the office of any member of the Board otherwise than by reason of the effluxion of time, the Governor may appoint a person to fill the vacancy, and the person so appointed shall hold office for the unexpired portion of the term of office of the member in whose place he is appointed.

(9) The Board shall have the powers and functions, and shall perform the duties, conferred or imposed upon it by or under this Act, and shall have power to give such notices and directions and to make such requirements as may reasonably be necessary for carrying out or giving effect to the provisions of this Act or for the exercise and performance of the powers, functions, and duties of the Board under this Act.

(10) Notwithstanding anything contained in the foregoing provisions of this section, for the first two years after the first appointment of members of the Board it shall consist of six persons appointed by the Governor, comprising, in addition to the persons appointed pursuant to subsection (2) of this section, a person appointed on the nomination of the body of persons known as the Electrical Contractors' Association of Tasmania, and the person so appointed shall hold office for a period of two years from the date of his appointment and not longer.

* 13 Geo. V. No. 23. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948. Subsequently amended by No. 36 of 1949.

† 2 Geo. VI. No. 41, as amended by 3 Geo. VI. Nos. 5 and 18, 4 Geo. VI. Nos. 17 and 43, 6 Geo. VI. Nos. 12 and 71, 7 Geo. VI. No. 35, 8 & 9 Geo. VI. No. 39, 10 Geo. VI. No. 7, 11 Geo. VI. No. 65, and No. 24 of 1948.

Incorporation
of Board.

4—(1) The Board shall be a body corporate, having perpetual succession and a common seal, and may sue and be sued by its corporate name and may do and suffer all such acts and things as bodies corporate may by law do or suffer.

(2) The seal of the Board shall not be affixed to any document except by resolution of the Board, and every sealing shall be authenticated by the signatures of two members of the Board and the secretary.

Vacation
of office.

5 The office of a member of the Board shall become vacant at the expiration of his term of office or if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) is absent, without leave granted by the Board, from three consecutive meetings of the Board;
- (d) becomes of unsound mind;
- (e) is removed from office by the Governor for incapacity or misconduct;
- (f) being the member appointed for the purposes of paragraph (e) of subsection (2) of section three, ceases to hold office as Director of Public Health or, as the case may be, as an officer of the Department of Public Health.

Payment of
members of
the Board.

6 The members of the Board shall not receive any remuneration for their services, but shall be entitled to be paid such travelling and out of pocket expenses as may be prescribed, and, in the case of the member appointed under paragraph (b) of subsection (2) of section three, such amounts by way of reimbursement for loss of wages as the Minister, on the recommendation of the Board, may approve.

Proceedings
of the Board.

7—(1) The first meeting of the Board shall be held at such time and place as the Minister directs, and thereafter the Board shall meet as and when the Board determines.

(2) At the first meeting of the Board, the members present shall elect one of their number to be the chairman of the Board and the person so elected shall, unless he sooner resigns his office as chairman or ceases to be a member of the Board, hold office as chairman until the expiration of the term for which he was appointed as a member of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and, in the absence of the chairman from any meeting, the members present shall choose one of their number to preside at that meeting, and the member so chosen, while so presiding, shall have, and may exercise, all the powers and authorities of the chairman.

(4) The chairman shall have a deliberative vote.

(5) All questions arising at meetings of the Board shall be decided by a majority of the votes of the members present and voting thereon, and, in the event of an equality of votes on any question the chairman shall have a second or casting vote.

(6) The Board shall cause accurate minutes of its proceedings to be kept.

(7) Any three members of the Board shall constitute a quorum for the transaction of the business of any meeting, or the carrying out of any of the functions, of the Board, and the Board may function, notwithstanding any vacancy in its membership, so long as a quorum remains.

(8) Subject to this section, the Board may regulate its own procedure.

8—(1) The Board may, with the approval of the Minister, appoint a person as the secretary to the Board and such other officers as the Board may consider necessary for the administration of this Act, and may pay to the secretary and officers such remuneration as the Board may, with the approval of the Minister, determine. Secretary and officers.

(2) The Board may, in lieu of itself appointing a person as the secretary to the Board, request the Minister to arrange for the appointment of an officer of the Public Service as the secretary to the Board and if any officer of the Public Service is so appointed he may hold office as secretary in conjunction with his office as an officer of the Public Service.

(3) For the purposes of this Act, the Board may, with the approval of the Governor upon the recommendation of the Public Service Commissioner, make use of the services of any officers of the Public Service.

9—(1) On and after such date as the Governor, on the recommendation of the Board, may, by order-in-council, specify for the purposes of this section, no person shall, in any prescribed area, engage in or undertake plumbing work of any prescribed class, unless that person is the holder of a subsisting certificate of registration under this Act entitling him to engage in or undertake that prescribed class of plumbing work. Unregistered persons not to undertake plumbing work.
Cf. Qld., s. 16.

(2) The provisions of subsection (1) of this section shall not apply to—

- (a) any person bound by indenture of apprenticeship to an employer carrying on the trade or occupation of a plumber;
- (b) any improver (within the meaning of the *Wages Boards Act 1920**) employed in the trade or occupation of a plumber; or
- (c) any other person employed to assist the holder of a certificate of registration under this Act,

in any case where the person so bound, or the improver, or the other person assisting the holder of a certificate of registration, as the case may be, is employed in plumbing

* 11 Geo. V. No. 51. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1236. Subsequently amended by 2 & 3 Geo. VI. No. 71, 4 Geo. VI. No. 45, 6 Geo. VI. No. 31, 8 & 9 Geo. VI. No. 48, 9 & 10 Geo. VI. No. 65, 10 Geo. VI. No. 25, and No. 8 of 1950.

work under the direct supervision or control of a person holding a certificate of registration under this Act entitling the holder thereof to engage in or undertake that class of plumbing work.

(2A) The provisions of subsection (1) of this section shall not apply to any person who—

- (a) has for a period of not less than two years before the commencement of this Act been engaged in the plumbing of electric hot-water systems being installed by him as electrician or by some electrician or electrical contractor for whom he works; and
- (b) having applied to the Board within twelve months after the commencement of this Act for inclusion in a list to be kept by it of persons qualified under this subsection, and having satisfied the Board of his qualification, has been so included—

in any case where he does the plumbing for the installation or repair of any electric hot-water system.

(3) In this section "certificate of registration" includes an interim certificate of registration under section eleven.

Registration
of plumbers.
Cf. Qld., s. 11.

10—(1) Subject to this Act, any person who applies to be registered under this Act as a plumber in respect of any prescribed class or classes of plumbing work shall be entitled to be so registered if and when—

- (a) he has paid the prescribed fee for such registration; and
- (b) he has satisfied the Board that he—
 - (i) has attained the age of twenty-one years;
 - (ii) is a natural-born or naturalised British subject;
 - (iii) is a person of good character; and
 - (iv) has passed the prescribed examination, or is qualified in accordance with subsection (2) of this section.

(2) Notwithstanding anything contained in the foregoing provisions of this section any person who satisfies the Board that—

- (a) he has passed the examinations, or has satisfactorily completed a trade course, conducted by an approved authority, or is the holder of any licence, certificate of registration, certificate of competency, or certificate of qualification granted under any law in force in any reciprocating country relating to the licensing or registration of persons engaged in any class of plumbing work; or

(b) at the commencement of this Act—

- (i) he is the holder of a licence as a plumber granted by a local authority; or
- (ii) he had, for a period of not less than two years, been engaged in the trade or occupation of a plumber in any prescribed class of plumbing work,

shall be entitled, on payment of the prescribed fee, to be granted a certificate of registration under this Act in respect of the appropriate prescribed class of plumbing work, without examination; but no person to whom paragraph (b) of this subsection applies shall be entitled to be granted a certificate of registration, without examination, unless he makes application therefor within the period of twelve months next after the passing of this Act and no certificate so granted shall entitle the holder thereof to undertake plumbing work of the appropriate prescribed class in any area or locality other than an area or locality in which he was authorised to undertake such work at the commencement of this Act.

(3) Upon receipt of any application for registration under this section, the Board, if it is satisfied that the applicant is qualified, in accordance with the provisions of this section, for registration as a plumber in respect of any prescribed class of plumbing work and that his application is in order, shall register the applicant accordingly, or if it is not so satisfied, may refuse to register the applicant.

(4) Upon registering any such applicant the Board shall grant to him a certificate of registration in the prescribed form.

(5) If the Board refuses to register any such applicant, it shall, on the demand of the applicant, furnish him, in writing, with its reasons for refusing to register him.

(6) In this section—

“approved authority” means any person, body of persons, board, institution, or authority declared by the Governor, by proclamation made on the recommendation of the Board, to be an approved authority for the purposes of this section;

“reciprocating country” means a State or territory of the Commonwealth, or a British possession, declared, pursuant to section twenty, to be a reciprocating country for the purposes of this Act.

11—(1) Notwithstanding anything contained elsewhere in this Act, the Board may grant an interim certificate of registration to any person applying for registration under this Act, pending that person satisfying the Board that he is entitled to the grant of a certificate of registration under section ten.

Interim
certificate of
registration.
Cf. Qld. s. 14.

(2) Before granting any person an interim certificate of registration, the Board shall require that person to present himself for a trade test and such other tests (if any) as the Board may require.

(3) An interim certificate of registration may be granted for such period (not exceeding six months at any one time) as the Board may think fit and shall, while in force, entitle the holder thereof to engage in or undertake, in any prescribed area, plumbing work of such class or classes as may be specified in the certificate.

Effect and duration of certificates of registration.
Cf. Qld., s. 15.

12—(1) A certificate of registration under this Act, while in force, shall entitle the holder thereof to engage in or undertake in any prescribed area plumbing work of the prescribed class or classes specified in the certificate.

(2) Subject to this Act, a certificate of registration under this Act shall continue in force from the date of issue thereof until the thirty-first day of December then next ensuing, but may be renewed annually, upon payment of the prescribed fee for each renewal.

Suspension and cancellation of registration.
Cf. Qld., s. 17.

13—(1) The Board may, as prescribed, suspend for such period as it thinks fit, or may cancel, any certificate of registration under this Act, if, after such enquiry as may be prescribed, the Board is satisfied that—

- (a) the certificate has been obtained by fraud or misrepresentation; or
- (b) the holder of the certificate has been guilty of gross negligence, incompetence, or fraudulent conduct in or in connection with the performance of any plumbing work undertaken by him.

(2) Any person whose certificate of registration is suspended or cancelled shall, upon demand being made in that behalf by the Board, forthwith surrender his certificate to the Board.

(3) The suspension or cancellation of any certificate of registration shall, for all purposes, be fully effectual, notwithstanding any failure of the person concerned to surrender the certificate pursuant to subsection (2) of this section.

Appeals from decisions of the Board.

14—(1) Any person who is aggrieved by—

- (a) the refusal of the Board to register him under this Act; or
- (b) the suspension or cancellation by the Board of any certificate of registration under this Act of which he is the holder,

may, within one month after such refusal, suspension, or cancellation, appeal therefrom, as prescribed, to a police magistrate.

(2) Every appeal under this section shall be heard and determined as prescribed and the decision of the police magistrate on the hearing of the appeal shall be final.

15 There shall be payable by any candidate for examination under this Act such fees as may be prescribed. Fees for examinations.

16 All fees and penalties paid or recovered under this Act shall be paid to the Board, and shall be applied by the Board in and towards defraying the expenses incurred in the administration of this Act. Appropriation of fees and penalties.

17—(1) The Board shall keep such accounts as may be prescribed. Accounts and audits.

(2) The accounts of the Board shall be subject to the provisions of the *Audit Act 1918**.

18—(1) The Board shall, as soon as practicable after the first day of January in each year (and not later than the last day of February next following) submit to the Minister a report on the activities of the Board during the year ended on the preceding thirty-first day of December. Annual report, &c.

(2) The Minister shall cause a copy of the report to be laid upon the table of each House of Parliament within the first thirty sitting days of such House after it is received by him.

19—(1) The Board shall, in the month of February in each year, cause to be published in the *Gazette* a list of all persons to whom certificates of registration under this Act have been granted and are then in force in relation to the then current year. Annual list.

(2) A copy of the *Gazette* containing any such list, or any document signed by the secretary and purporting to be a copy of any such list, shall be *prima facie* evidence that the persons named in the copy of the *Gazette* or, as the case may be, in the document, are registered under this Act.

20 The Board may, with the approval of the Governor, make arrangements with any person or authority in any State or territory of the Commonwealth or in any British possession for the reciprocal recognition of plumbers' licences or certificates of registration, and, upon receipt of a report from the Board that arrangements have been made pursuant to this section for the recognition, in any State or territory or in any British possession, of certificates of registration under this Act, the Governor may, by proclamation, declare that State, territory, or possession to be a reciprocating country for the purposes of this Act. Provisions as to reciprocity. Cf. 1912, No. 43 (N.Z.), s. 24.

* 9 Geo. V. No. 3. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 237. Subsequently amended by 1 Geo. VI. No. 63, 3 Geo. VI. No. 34, 11 Geo. VI. No. 70, and No. 54 of 1949.

Offences and
penalty.

21 No person shall—

- (a) make, or cause to be made, or produce or cause to be produced, for the purposes of or in connection with the procuring of any certificate of registration or interim certificate of registration under this Act, any false or fraudulent declaration, certificate, representation, or information, either in writing or otherwise;
- (b) fail or refuse to comply with any lawful direction or requirement of the Board under this Act; or
- (c) contravene or fail to comply with any provision of this Act which is applicable to him.

Penalty: Fifty pounds.

Regulations.

22 The Governor may make regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and the regulations may impose penalties (not exceeding twenty pounds) for any breaches thereof.

PHYSIOTHERAPISTS' REGISTRATION.

No. 75 of 1951.

AN ACT to make provision for the registration of
Physiotherapists; for the constitution of a Physio-
therapists Registration Board; and for matters
incidental thereto. [18 December, 1951.]

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 com-
mencement.

1—(1) This Act may be cited as the *Physiotherapists' Registration Act 1951*.

(2) This Act shall commence on a date to be fixed by proclamation.