

(3) Where such a notice or other document as is referred to in subsection (1) of this section is authorized or required to be served on, or given to, the person responsible for any underground work, or the occupier of any land, and that person cannot, after reasonable inquiry, be found, the notice or other document may be served or given by fixing it in some conspicuous position on or near that underground work, or on that land, as the case may be.

(4) Where under this Act a notice or other document is authorized or required to be served on, or given to, a person responsible for any underground work, or the occupier of any land, it may, if the name of that person is not known, be addressed to him, without further description, as "the person responsible" for that underground work, or "the occupier" of that land, as the case may be, in each case describing the underground work or land in a manner sufficient to identify it.

**Regulations.**

**17**—(1) The Governor may make regulations for the purposes of this Act, and, without prejudice to the generality of the foregoing provisions of this section, those regulations may—

- (a) prescribe the form of any licence or other document authorized or required to be issued or used for the purposes of this Act;
- (b) prescribe the manner in which any application is to be made under this Act;
- (c) prescribe fees to be paid on the making of any application for, or the grant or issue of any licence or certificate under this Act; and
- (d) regulate the proceedings on any appeal under this Act.

(2) Regulations made for the purposes of paragraph (d) of subsection (1) of this section may modify the provisions of the *Mining Act* 1929 in their application to appeals under this Act.

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## PUBLIC SERVICE (EQUAL PAY).

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No. 60 of 1966.

AN ACT to make provision for the application to the Public Service of the principle of equal pay, as between the sexes, for the performance of work of the same or a like nature and of equal value. [22 December 1966.]

**B**E 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 *Public Service (Equal Pay) Act 1966*. Short title and commencement.

(2) This Act shall commence on the first day of January 1967.

**2**—(1) In this Act, unless the contrary intention appears— Interpretation.  
 “basic wage for adult males”, used in relation to an industrial award, means such sum as is fixed or determined by that award as the sum payable to all adult male employees to whom the award relates irrespective of any margins, loadings, or other additions payable to all or any of those employees, whether that sum is described in the award as a basic wage, or a basic salary, or a basic rate, or a base rate, or by some other similar expression; Cf. 11 Geo. V No. 51 (Tas.), s. 6. 1960, No. 117 (N.Z.), s. 2. No. 2 of 1940 (N.S.W.), s. 5. No. 13 of 1904 (C<sup>th</sup>), s. 4.

“employee” means—

- (a) a person who is an employee within the meaning of the *Public Service Tribunal Act 1958*; and
- (b) a person other than an employee within the meaning of that Act whose remuneration is paid or payable out of the Consolidated Revenue or out of the revenues or funds of a State authority (as defined in that Act);

“industrial award” means any award, determination, order, regulation, by-law, rule, classification, or other instrument or decision fixing or determining the rates or scales of wages to be paid to employees, or to any class of employees, but does not include an award or order under the *Conciliation and Arbitration Act 1904-1965* of the Commonwealth or an agreement under that Act having the force of an award or order;

“wages” includes salaries and any remuneration in the nature of salaries or wages;

“wage-fixing authority” includes—

- (a) a wages board established under the *Wages Boards Act 1920*;
- (b) the Public Service Tribunal established under the *Public Service Tribunal Act 1958*;
- (c) the Public Service Commissioner; and
- (d) any other person or body of persons authorized or required by law to fix or determine the wages to be paid to employees, or to any class of employees.

(2) A reference in this Act to the *Conciliation and Arbitration Act 1904-1965* of the Commonwealth includes a reference to that Act as amended from time to time and to any Commonwealth Act passed in substitution for that Act.

Equal pay  
for male  
and female  
employees  
in certain  
circum-  
stances.  
N.Z., s. 3.  
N.S.W.,  
s. 88D.

**3**—(1) Notwithstanding anything in any Act other than this Act, but subject to this section, a wage-fixing authority shall, on application being made therefor, include (by way of variation or otherwise) in any industrial award made, or proposed to be made, by the authority provisions for securing that differentiations based on sex in rates or scales of wages are eliminated, to the end that female employees shall receive the same rates or scales of salaries as male employees where they are performing work of the same or a like nature and of equal value.

(2) An application under subsection (1) of this section may be made by such persons, and in such manner, as may be prescribed, either generally or in particular cases.

(3) For the purpose of giving effect to this section, a wage-fixing authority, on application being made to the authority under subsection (1) of this section, shall, if satisfied that male and female employees to whom the relevant industrial award applies are performing work of the same or a like nature and of equal value, fix and determine the same marginal or secondary rates or scales of wages for all those employees, irrespective of the sex of the employees.

(4) For the purpose of determining whether any female employees are performing work of the same or a like nature as, and of equal value to, the work performed by any male employees, a wage-fixing authority may, in addition to any other relevant matters, take into consideration the questions whether those female employees are performing work which is of the same range and volume as that performed by those male employees and whether the work is performed under the same, or substantially the same, conditions.

(5) Subject to subsection (6) of this section, where in an industrial award the same marginal or secondary rates or scales of wages have been fixed or determined under and in accordance with subsection (3) of this section, the rates or scales of wages applicable to female employees to whom that industrial award applies shall be fixed or determined by adding to those marginal or secondary rates or scales of wages the percentage of the basic wage for adult males (as fixed or determined by that industrial award) set out in the second column of the schedule opposite the year specified in the first column of the schedule during which the same marginal or secondary rates or scales of wages have been so fixed or determined.

(6) Where, by virtue of an industrial award that is in force at the commencement of this Act, the wages payable to female employees to whom the award relates include a sum calculated as a percentage of the basic wage for adult males, as fixed or determined by that award, subsection (5) of this section does not apply in relation to that award so long as that percentage equals or exceeds the relevant percentage prescribed in the schedule.

(7) Where by an industrial award the rates or scales of wages of female employees have been fixed or determined under and in accordance with subsection (5) of this section during any year specified in the first column of the schedule, those rates or scales of wages shall, as from the first pay period next following the first day of January in each ensuing year up to and including the year commencing on the first day of January 1971, be adjusted so that, in lieu of being the rates or scales of wages applicable immediately before the first pay period in the relevant year, they shall be of an amount equivalent to the sum of—

- (a) the marginal or secondary rates or scales fixed under and in accordance with subsection (3) of this section, or where those marginal or secondary rates or scales have been varied, the marginal or secondary rates or scales as so varied; and
- (b) the percentage of the basic wage for adult males (as fixed or determined by that award) set out in the second column of the schedule opposite the relevant year specified in the first column of the schedule.

(8) Where—

- (a) the basic wage for adult males fixed or determined by an industrial award is at any time adjusted or altered; or
- (b) the marginal or secondary rates or scales of wages fixed or determined by a wage-fixing authority under and in accordance with subsection (3) of this section are altered,

the rates or scales of wages for adult females as fixed or determined under subsection (5) or subsection (7) of this section shall be adjusted or altered accordingly.

(9) Any calculations made with reference to the schedule shall be calculated to the nearest five cents.

(10) Nothing in this Act limits or affects the powers, authorities, duties, and functions conferred or imposed on a wage-fixing authority by or under any other Act in respect of the fixation or determination of the rates or scales of wages to be paid to female employees; but in the exercise of any of those powers, authorities, duties, or functions a wage-fixing authority shall not, in any industrial award made by the authority, include any provisions relating to wages of female employees that are less favourable to those employees than the provisions prescribed by this section.

(11) Nothing in this Act shall be construed as requiring the same marginal or secondary rates or scales of wages for males and females to be fixed or determined only where male and female employees are performing work of the same or a like nature and of equal value, within the meaning of this section.

(12) This section applies to and in relation to industrial awards made before or after the commencement of this Act.

(13) Nothing in this section applies to or in relation to an industrial award or any provision of an industrial award that is applicable to employees who are engaged in work essentially or usually performed by females but in which male employees may also be engaged.

Regulations.

**4** The Governor may make regulations under this Act.

### THE SCHEDULE.

(Section 3.)

FIRST COLUMN.	SECOND COLUMN.
Year.	Percentage of basic wage for adult males which is to be paid to females.
Year commencing on 1st January 1968	Eighty per cent
Year commencing on 1st January 1969	Eighty-five per cent
Year commencing on 1st January 1970	Ninety per cent
Year commencing on 1st January 1971	Ninety-five per cent
Year commencing on 1st January 1972 and each subsequent year	One hundred per cent

### REAL PROPERTY.

#### No. 61 of 1966.

AN ACT to amend the *Real Property Act 1862*, the *Real Property Act 1886*, and certain other enactments. [22 December 1966.]

**B**E 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 *Real Property Act 1966*.

Short title,  
citation, and  
commence-  
ment.