

“(2) For the purposes of this Act, the Government Statistician shall, as soon as is practicable after the thirty-first day of March in each year calculate the prescribed rate in respect of the period of twelve months ending on that day, and shall, without delay, report the result of his calculation to the Treasurer.

“(3) Where it appears to the Treasurer from a report under subsection (2) of this section that the prescribed rate as specified in the report differs from the prescribed rate for the time being in force (whether by way of increase or decrease) he shall, by order, fix and declare as the prescribed rate for the purposes of this Act the rate specified in the report and the rate so fixed and declared shall be deemed to be the prescribed rate for the purposes of this Act as if it were expressly prescribed as such in this Act.

“(4) An order under subsection (3) of this section—

- (a) is a statutory rule within the meaning of the *Rules Publication Act 1953*;
- (b) takes effect on and from the first day of July in the year in which it is made (whether made before or after that day); and
- (c) continues in force until it is revoked or amended by a subsequent order under that subsection.”.

3 Section two of the Principal Act is amended by omitting from subsection (1) thereof the words “a rate per week equal to the rate of the basic wage for Hobart” and substituting therefor the words “the prescribed rate”. Grant of pension to Albert Henry Jackson.

4 The first calculation to be made by the Government Statistician for the purposes of section one A of the Principal Act (as amended by this Act) shall be made as soon as is practicable after the commencement of this Act. Transitory provisions.

PUBLIC SERVICE TRIBUNAL (No. 2).

No. 31 of 1968.

AN ACT to amend the *Public Service Tribunal Act 1958*. [10 July 1968.]

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 *Public Service Tribunal Act (No. 2) 1968*. Short title, citation, and commencement.

(2) The *Public Service Tribunal Act* 1958, as subsequently amended, is in this Act referred to as the Principal Act.

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

Interpretation.

2 Section three of the Principal Act is amended by inserting, after the definition of "controlling authority", the following definition:—

"'deputy chairman' means the deputy chairman of the Tribunal;".

Remuneration of members of the Tribunal.

3 Section five of the Principal Act is amended—

- (a) by inserting in subsection (1), after the word "chairman", the words "and the deputy chairman";
- (b) by omitting from subsection (2) the words "of the chairman" and substituting therefor the words "payable under this section to a person holding office as chairman or deputy chairman";
- (c) by inserting in subsection (3), after the word "chairman", the words "and the deputy chairman"; and
- (d) by inserting in subsection (5), after the word "chairman", the words "and the deputy chairman".

General powers and functions of the Tribunal.

4 Section nine of the Principal Act is amended—

- (a) by inserting in subsection (13), after the word "application," (second occurring), the words "to the chairman or the deputy chairman or";
- (b) by omitting from that subsection the words "that person" (first occurring) and substituting therefor the words "the person to whom the claim, application, or matter is referred"; and
- (c) by omitting from that subsection the words "of that person" and substituting therefor the words "submitted by him in pursuance of the reference".

The second schedule.

5 The second schedule to the Principal Act is amended—

- (a) by omitting from the second column thereof the words "The Governor" (first occurring) and substituting therefor the words "The Tasmanian Government Insurance General Manager"; and
- (b) by omitting from that column the words "The Governor" (second occurring) and substituting therefor the words "The Director of the Tasmanian Government Tourist and Immigration Department".

6 The third schedule to the Principal Act is amended— The third schedule.

(a) by omitting paragraphs 1, 2, and 3 and substituting therefor the following paragraphs:—

Interpretation.

“1—(1) In this schedule—

‘elected member’ means the teachers’ representative, the police representative, the general service representative, or any of their deputies;

‘general service representative’ means the general service representative referred to in paragraph 2 of this schedule;

‘Government representative’ means the Government representative referred to in paragraph 2 of this schedule;

‘police representative’ means the police representative referred to in paragraph 2 of this schedule;

‘teachers’ representative’ means the teachers’ representative referred to in paragraph 2 of this schedule.

“(2) References in this schedule to the deputy of the Government representative, the general service representative, the police representative, or the teachers’ representative shall be construed as references to his deputy referred to in paragraph 2 of this schedule.

Members of the Tribunal.

“2. The following persons are members of the Tribunal, namely:—

- (a) The chairman and the deputy chairman;
- (b) The Government representative and his deputy;
- (c) The teachers’ representative and his deputy;
- (d) The police representative and his deputy; and
- (e) The general service representative and his deputy.

Chairman and deputy chairman.

“3.—(1) The chairman and deputy chairman shall be persons appointed by the Governor.

“(2) The chairman and deputy chairman cease to hold office on attaining the age of sixty-five years.

Government representative.

“3A.—(1) The Government representative and his deputy shall be persons appointed by the Governor.

“(2) The Government representative and his deputy cease to hold office on attaining the age of seventy years.

Elected members.

“3B.—(1) The elected members shall be persons appointed by the Governor, being—

- (a) in the case of the teachers’ representative and his deputy, persons elected, as prescribed, by employees in the Teaching Service;
- (b) in the case of the police representative and his deputy, persons elected, as prescribed, by employees in the Police Force; and
- (c) in the case of the general service representative and his deputy, persons elected, as prescribed, by employees other than those in the Teaching Service or the Police Force.

“(2) Subject to this Act, the term of office of an elected member is a period of five years from the date of his election.

“(3) An elected member who, being a male, attains the age of sixty-five years, or who, being a female, attains the age of sixty years, ceases to hold office as an elected member.

“(4) Where an elected member dies, or ceases to hold office before the expiration of the term referred to in sub-paragraph (2) of this paragraph, the person appointed to fill the vacancy holds office only for the unexpired portion of the term of office of the member in whose place he is appointed.

Resignation
of members.

“3c. A member of the Tribunal may resign from his office by notice in writing to the Minister.

Restriction
on removal
from office.

“3d. Except as is provided in this schedule, a member shall not be removed from his office otherwise than as provided in section six.”;

(b) by omitting sub-paragraph (1) of paragraph 4 and substituting therefor the following sub-paragraph:—

“(1) The chairman and the deputy chairman shall devote the whole of their time to the performance of the duties of their respective offices, but are entitled to such leave of absence as the Governor may determine.”;

(c) by omitting paragraph 5;

(d) by inserting, after paragraph 6, the following paragraphs:—

Constitution
of Tribunal
at hearings.

“6A—(1) Subject to this schedule, for the purpose of the hearing of any proceedings the Tribunal shall be constituted of three members, of whom—

(a) one shall be a member authorized to preside at sittings and meetings of the Tribunal;

(b) one shall be the Government representative or his deputy; and

(c) one shall be the appropriate elected member or his deputy.

“(2) The deputy chairman shall not sit as a member of the Tribunal for the purpose of hearing any proceedings unless he is directed so to do by the chairman or the chairman is absent or unable to act in those proceedings.

“(3) The Government representative shall not sit as a member of the Tribunal pursuant to clause (a) of sub-paragraph (1) of this paragraph in respect of any proceedings unless he has been directed so to do by the chairman on the ground that neither the chairman nor the deputy chairman is available to sit as a member of the Tribunal for the purposes of those proceedings.

“(4) For the purposes of this paragraph ‘the appropriate elected member’ means—

(a) in relation to proceedings that relate to matters with which only employees in the Teaching Service are concerned, the teachers’ representative;

(b) in relation to proceedings that relate to matters with which only employees in the Police Force are concerned, the police representative;

(c) in relation to proceedings that relate to matters with which only employees in the general service are concerned, the general service representative; and

(d) in relation to other proceedings, such one of the members referred to in the foregoing provisions of this sub-paragraph as the chairman may select for the purposes of those proceedings.

“(5) For the purposes of sub-paragraph (4) of this paragraph the question whether a matter is one with which only employees of a particular class or classes are concerned shall be determined by the chairman, and a determination made by him under this sub-paragraph shall be final.

“(6) On the recommendation of the chairman, the Minister may authorize the Tribunal to be constituted in separate sittings either in relation to proceedings generally or in relation to the proceedings specified in the authorization, and references in this schedule to separate sittings shall be construed as references to the sittings of the Tribunal to hear the proceedings to which the authorization relates.

“(7) Subject to this schedule the Tribunal shall be constituted at any separate sittings in such manner as the chairman may direct.

“(8) Subject to any directions given to him by the chairman, the deputy chairman may exercise the functions vested in the chairman under this paragraph and anything done by the deputy chairman in exercise of those functions has the like effect as if it were done by the chairman.

“(9) The Government representative or his deputy, or an elected member, shall not act as a member of the Tribunal on the hearing or determination of any proceedings in which he is personally interested (otherwise than as a member of a group or class of employees).

Member
presiding
at sittings
and meetings
of Tribunal.

“6B—(1) The chairman, the deputy chairman, and the Government representative are the members authorized to preside at sittings and meetings of the Tribunal and, subject to this paragraph, one of those members shall preside at each sitting or meeting of the Tribunal.

“(2) The chairman shall preside at all sittings and meetings of the Tribunal at which he is present.

“(3) The Government representative shall not preside at any sitting or meeting of the Tribunal unless neither the chairman nor the deputy chairman is present at that sitting or meeting.

Restrictions
on acting
of deputies.

“6C—(1) Except at separate sittings, the deputy of the Government representative shall not sit as a member of the Tribunal at any sitting or meeting of the Tribunal unless the Government representative is presiding at that sitting or meeting or is unable to act, or is prohibited under this Act from acting, as a member of the Tribunal at that sitting or meeting.

“(2) Except at separate sittings, the deputy of an elected member shall not sit as a member of the Tribunal at any sitting or meeting of the Tribunal unless the elected member whose deputy he is is unable to act, or is prohibited under this Act from acting, as a member of the Tribunal at that sitting or meeting.”;

- (e) by omitting sub-paragraphs (1) and (2) of paragraph 7;
- (f) by omitting from sub-paragraph (3) of that paragraph the words “chairman or other”;
- (g) by omitting from sub-paragraph (4) of that paragraph the words “chairman or other”;
- (h) by omitting from sub-paragraph (5) of that paragraph the words “the foregoing provisions of this paragraph” and substituting therefor the words “this schedule”; and
- (i) by omitting from paragraph 10 the symbol “(2)” and substituting therefor the symbol “3B”.

Transitory provisions.

7—(1) The persons who immediately before the commencement of this Act held office as the second appointed member of the Tribunal and the deputy of that member of the Tribunal shall be deemed respectively to have been appointed as the Government representative and his deputy.

(2) Any person who immediately before the commencement of this Act held office as the general service representative, the police representative, or the teachers' representative, or as the deputy of such a member of the Tribunal, shall, subject to the provisions of the Principal Act as amended by this Act, continue to hold office as such for the period for which he would have held that office if this Act had not been enacted.

(3) Expressions used in this section have the same meaning as they have for the purposes of the third schedule to the Principal Act.

SUNDAY OBSERVANCE.

No. 32 of 1968.

AN ACT to consolidate and amend the law relating to Sunday. [24 July 1968.]

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, commencement, and repeal.

1—(1) This Act may be cited as the *Sunday Observance Act 1968*.

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

(3) The Acts specified in the schedule are repealed.

Interpretation.

2 In this Act, unless the contrary intention appears—

“attend” applies both to attending as one of the spectators or audience and to attending as a referee, steward, groundsman, ticket seller, gate-keeper, or other like person;

“dependent female” means a woman entitled to maintenance or other financial benefit by reason of her cohabitation with a man who is not her husband;

“entertainment” includes an exhibition arranged for public inspection (whether of the product of man or of nature) and a performance open to the public including—