

## TASMANIA.



1939.

ANNO TERTIO ET QUARTO  
 GEORGII VI. REGIS.

No. 67.

## ANALYSIS.

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AN ACT to amend the *Workers' (Occupational Diseases) Relief Fund Act 1928.*

[21 December, 1939.]

A.D.  
 1939.

**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** This Act may be cited as the *Workers' (Occupational Diseases) Relief Fund Act 1939.* Short title.

6d.]

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*Workers' (Occupational Diseases) Relief Fund.*

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A.D. 1939.

**2** The Principal Act is hereby amended—

I. By deleting the word “allied” in the title thereof:

II. By inserting—

- (a) Before section one thereof the heading  
“Part I.—Preliminary.”: and
- (b) Before section four thereof the heading  
“Part II.—Mining and Allied Industries.”:

Amendment of  
19 Geo. V.  
No. 52.  
Titl.  
Parts I.  
and II.

Section 2.

III. As to section two thereof—

(a) By expunging the definition of “Disease”  
and substituting therefor the following  
new definition—

“‘Disease’, where used in Part II.,  
means any of the diseases men-  
tioned in Part I. of the first sched-  
ule, and where used in Part III.  
means any of the diseases men-  
tioned in Part II. of that sched-  
ule.”:

- (b) By deleting the words “freestone or lime-  
stone” in paragraph v. of the definition  
of “Mining operations” and substi-  
tuting therefor the words “or free-  
stone”: and
- (c) By expunging paragraph vi. of that defini-  
tion:

Section 4.

IV. By deleting the word “Act” in the first line of sec-  
tion four thereof and substituting therefor the  
word “Part”:

Section 33.

V. By deleting the word “six” in subsection (3) of  
section thirty-three thereof and substituting  
therefor the word “twelve.”

Part III.  
New sections  
35A to 35G.

VI. By inserting after section thirty-five thereof the  
heading “Part III.—Nurses’ Fund.” and the fol-  
lowing new sections thirty-five A to thirty-  
five G—

New section  
35A.  
Interpretation.

“**35A** In this Part, unless the contrary inten-  
tion appears—

‘Employee’ means a nurse, as defined by this  
Act:

‘Nurse’ means a person who is employed in  
any public or private hospital within the  
meaning of the *Hospitals Act 1918*, in the  
work of nursing patients in such hos-  
pital, whether as a probationer, or a  
pupil, or otherwise:

*Workers' (Occupational Diseases) Relief Fund.*

'Registered' means registered under the provisions of the *Nurses Registration Act 1927*: A.D. 1939

'The Fund' means the *Nurses' (Occupational Diseases) Relief Fund* established under this Part.

"**35B**—(1) For the purposes of this Part there shall be established a fund to be called 'The Nurses' (Occupational Diseases) Relief Fund.' New section  
35B.  
The Nurses'  
Fund.

(2) The Fund shall be vested in, and administered by, the Board.

(3) There shall be paid to the Board by every employer, as and when prescribed, by way of contribution to the Fund, a weekly sum of threepence in respect of every nurse employed by him, and the Treasurer shall pay to the Board an annual contribution to the Fund of seven hundred and fifty pounds.

(4) All contributions to be made by the Treasurer shall be paid out of moneys to be provided by Parliament for that purpose, and shall be so paid as and when prescribed, or, in the absence of any such prescription, as and when the Treasurer shall determine.

"**35C**—(1) Within three months after the date of the commencement of this Part, every person who was an employee on that date shall be examined, as and when prescribed, by a certifying medical officer. New section  
35C.  
Medical exam-  
ination.

(2) Every person who becomes an employee after the date aforesaid shall be examined as aforesaid, as and when prescribed.

(3) The certifying medical officer shall certify to the Board, as prescribed, whether or not each employee examined by him is suffering from disease, and, subject to appeal, as provided by this Act, such certificate shall be final and conclusive as to all matters therein contained as to the health of the employee.

"**35D**—(1) After the expiration of six months after the commencement of this Part, compensation shall be payable, as may be prescribed, to or in respect of every employee who has been examined, as provided by this Part, and has been certified to be free from disease by a certifying medical officer, or, in case of appeal, by a medical referee and who, after the date aforesaid and during employment by the employer, has contracted any disease mentioned in Part II. of the first schedule. New section  
35D.  
Compensation  
to employees.

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(2) Such compensation shall be payable only on the certificate of a certifying medical officer or a medical referee that the disease has been contracted as a result of exposure to infection or contagion in the course of the applicant's employment.

(3) The rates and scales of payment for the purposes of this Part shall be as prescribed.

New section  
35E.  
Application  
to this Part  
of certain  
provisions of  
Part II.

"**35E** The provisions of sections eighteen to twenty-one and twenty-three to thirty-two shall apply to, and in respect of, employees under this Part, but, except as aforesaid, the provisions of Part II. shall not so apply.

New section  
35F.  
Prescribed  
diseases.

"**35F** The regulations may prescribe additional diseases for the purposes of this Part, and any diseases so prescribed shall be deemed to be included in Part II. of the first schedule.

New section  
35G.  
Application  
of this Part  
to certain  
nurses.

"**35G** Where a registered nurse, who has been an employee subject to this Act, ceases to be an employee, but carries on the business of nursing on her own account, she may contribute to the fund as prescribed, and, subject to the regulations, shall be deemed to be an employee for the purposes of sections thirty-five C to thirty-five F." : and

First schedule.

VII. As to the First Schedule thereto, by inserting—

(a) "Part I." below "Diseases" in the heading; and "Dermatitis caused by work" after "Nystagmus" at the end of that Part: and

(b) "Part II.—

Tuberculosis.

Sequelae of infectious diseases.

Diseases arising from the handling of radium.

Diseases arising from the operation of X-ray plants.

Such other diseases as may be prescribed."