

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Wednesday, the 22nd Day of September, 1948

TUBERCULOSIS BILL

Proposed Amendments

Hon. Miss HOWARD, in Committee, to move the following amendments:—

Clause 20: To omit subclause (2).

Clauses 23 and 24: To omit these clauses, and substitute the following new clause:—

23A. (1) Where any person contracts tuberculosis while employed by any Hospital Board or in any institution under the control of the Department of Health (including any public institution within the meaning of the Mental Defectives Act, 1911), on nursing duties or on such other duties or classes of duties as may be prescribed, and the incapacity or death of that person results from that disease, then, notwithstanding anything contained in section ten of the Workers' Compensation Act, 1922, compensation shall be payable under that Act in respect of the incapacity or death of that person in all respects as if the disease were a personal injury by accident arising out of and in the course of that employment, and the provisions of that Act, including the said section ten (except subsections one and two thereof), shall, so far as applicable and with the necessary modifications, apply accordingly.

Right to compensation of certain workers contracting tuberculosis.

See Reprint of Statutes, Vol. V, p. 743

Ibid., p. 608

(2) Where any person to whom this section applies is found to be suffering from tuberculosis at any time while he is employed as aforesaid or at any time within twelve months after having ceased to be so employed, that person shall, until the contrary is proved, be presumed for the purposes of this section to have contracted tuberculosis while so employed.

(3) For the purposes of this section, any vocational guidance officer of the Department of Education acting as such, pursuant to section *twenty* of this Act, at any sanatorium, tuberculosis clinic, or other institution under the control of any Hospital Board or of the Department of Health, and any school-teacher engaged in teaching at any hospital class at any institution under the control of any Hospital Board, shall be deemed to be employed by the Board or, as the case may require, by the Department of Health, on duties to which subsection *one* of this section applies.

(4) Without limiting or affecting in any way the application of the foregoing provisions of this section, it is hereby declared that this section shall extend and apply with respect to any person who, while employed as aforesaid, has contracted tuberculosis before the date of the commencement of this Act and—

(a) Is on that date still incapacitated as a result of that disease; or

(b) Becomes incapacitated or dies after that date as a result of that disease:

Provided that no compensation shall in any case be payable in respect of any period of incapacity before the commencement of this Act, and any payment, allowance, or benefit which that person has received from the employer in respect of that period shall be taken into account in assessing the aggregate amount of compensation payable in respect of that person under this subsection.

(5) Notwithstanding anything contained in subsection four of section ten of the Workers' Compensation Act, 1922, where the incapacity of any person to whom this section applies has commenced before the date of the commencement of this Act, then, for the purposes of sections twenty-six and twenty-seven of the Workers' Compensation Act, 1922 (which relate to the giving of notice and the limitation of actions), that incapacity shall be deemed to have commenced on that date.

(6) Section eighty-five of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by omitting paragraph (m), as enacted by subsection one of section four of the Hospitals and Charitable Institutions Amendment Act, 1936.

See Reprint
of Statutes,
Vol. III, p. 725

1936, No. 50

(7) Section four of the Hospitals and Charitable Institutions Amendment Act, 1936, is hereby consequentially repealed.

Repeal.