LEGISLATIVE ASSEMBLY

Read 1° 4 March, 1969.

(*Brought in by Mr. Borthwick and Sir William McDonald.*)

A BILL

To amend the *Sewerage Districts Act* 1958 and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Sewerage Districts (Amendment) Act* 1969. Short title.

(2) In this Act the *Sewerage Districts Act* 1958 is called the Principal Act. Principal Act No. 6368. Reprinted to No. 7547. Subsequently amended by Nos. 7729, 7778.

2. (1) After section 40 of the Principal Act there shall be inserted the following sections:— Amendment of No. 6368. New ss. 40A and 40B.

'40A. (1) In this section unless inconsistent with the context or subject-matter— Long service leave.

"Employé" means an officer servant or person employed by a Sewerage Authority who is in such employment on or after the commencement of the *Sewerage Districts (Amendment) Act* 1969. "Employé."

"Period",

"Period."

"Period", in respect of a period of service served by an employé, means a period in respect of which long service leave or pay in lieu thereof has not been granted by the Authority.

(2) Every employé who has been employed by a Sewerage Authority for a period of fifteen years shall, subject to and in accordance with the regulations, be entitled to be granted by the Authority four and a half months long service leave with pay in respect of that period of fifteen years service and one and a half months long service leave with pay in respect of each additional period of five years completed service.

(3) Where—

(*a*) on account of age or ill health an employé retires or his services are terminated;

(*b*) an employé dies; or

(*c*) on account of or in anticipation of marriage a female employé resigns or has her services terminated—

the employé shall, subject to and in accordance with the regulations, be entitled, or in the case of death shall be deemed to have been entitled, to be granted by the Authority—

where the completed years of service are not less than five but are less than fifteen, then in respect of such completed years of service;

where the years of service are more than fifteen, then (in addition to the entitlement under sub-section (2) of this section) in respect of such completed years of service (not exceeding four) as exceed the next lower multiple of five—

long service leave with pay on the basis of one-fifteenth of four and a half months leave for each such completed year.

(4) Long service leave shall be taken by an employé at a time agreed upon by the Authority and himself.

(5) Where agreement between the Authority and the employé, as required by sub-section (4), cannot be reached, the matter shall, on the request of either the Authority or the employé, be placed forthwith before the Minister for his decision, and the decision of the Minister shall be binding on the parties and effect shall be given thereto.

(6) No employé shall during any period when he is on long service leave engage in any employment for hire or reward.

(7) Where

(7) Where on account of age or ill health an employé retires or has his services terminated he may by notice in writing to the Authority elect to take pay in lieu of the whole or any part of any such leave to which he is then entitled and the Authority shall grant him pay in lieu thereof accordingly.

(8) Where on account of or in anticipation of marriage a female employé resigns or has her services terminated, she may by notice in writing to the Authority elect to take pay in lieu of the whole or any part of such leave and the Authority on her marriage or in such other special circumstances as the Authority in its discretion determines shall grant her pay in lieu thereof accordingly.

(9) Where an employé entitled to any long service leave or to pay in lieu thereof dies before or while taking such leave or (as the case may be) before such pay in lieu is paid the Authority shall to the extent that pay in lieu thereof has not already been paid to that employé grant pay in lieu of the whole or part of the leave not taken or (as the case may be) grant the pay in lieu to the legal personal representative of the deceased employé.

(10) The nature of the service and the computation of the period of service which entitles employés to be granted long service leave and the method of computing pay under this section shall be as prescribed by the regulations.

(11) In the computation of the period of long service leave or pay in lieu thereof to which any employé is entitled under this section there shall be taken into account any long service leave or pay in lieu thereof already granted to him by the Authority.

(12) For the purposes of this section the services of an employé shall be deemed to be terminated—

(*a*) on account of age—if on or after attaining the age of sixty years he ceases to be an employé otherwise than by being dismissed because of unsatisfactory service;

(*b*) on account of ill health—if he produces to the Authority satisfactory evidence that his ceasing to be an employé is due to ill health which is likely to be permanent and is not due to misconduct or to causes within his own control.

Payment in lieu of long service leave to an employé in certain circumstances on his resignation or dismissal.

40B. (1) Notwithstanding anything in section 40A where an employé within the meaning of that section with not less than fifteen completed years of service resigns or is dismissed or for any reason other than age or ill health has his services terminated, the Authority on the written application of the employé may, in lieu of long service leave with pay, grant the payment to the employé of a sum determined by the Authority, which shall not in any case exceed a sum equal to that of one-fifteenth of four and a half months pay for every completed year of service:

Provided

Provided that no such payment shall be granted for any year of service or part thereof in respect of which long service leave with pay or pay in lieu thereof has been taken by the employé.

(2) Where an employé who resigns after not less than ten but less than fifteen completed years of service satisfies the Authority that his resignation is justified by domestic or other pressing necessity the Authority, notwithstanding that he is not entitled to long service leave under this Act, may upon the written application of the employé grant payment to such employé of a sum determined by the Authority, which shall not in any case exceed a sum equal to that of one-fifteenth of four and a half months pay for each completed year of service.

(3) The Authority shall take into consideration the conduct of the employé when determining—

(*a*) whether to grant such payment under this section; and

(*b*) where such payment is granted, the sum to be so paid.'

Amendment of No. 6368 s. 82.

3. For sub-sections (1) and (2) of section 82 of the Principal Act there shall be substituted the following sub-sections:—

Loan Account.

" (1) Every Sewerage Authority shall keep a separate account (to be known as its Loan Account) of all moneys the proceeds of any loan whether borrowed by granting of a mortgage or the issue of debentures or from the Loan Fund.

(2) All moneys forming part of any such loan shall be paid into an account or accounts kept in some bank or banks for the loans incurred by the Sewerage Authority, and shall be applied for the purposes for which the same was borrowed."

Amendment of No. 6368 s. 85.

4. In sub-section (2) of section 85 of the Principal Act the words " or assignment of rates and charges " are hereby repealed.

Amendment of No. 6368 s. 90.

5. In sub-section (1) of section 90 of the Principal Act for paragraphs (*d*) and (*e*) there shall be substituted the following:—

" and

Commencement.

(*d*) shall commence on a day to be fixed by the Sewerage Authority."

Amendment of No. 6368.

New section 90A.

6. After section 90 of the Principal Act there shall be inserted the following section:—

Rates may be paid by instalments.

" 90A. (1) A person liable to pay any rate made and levied by a Sewerage Authority may elect to pay such rate in instalments as hereinafter provided.

(2) Notice

(2) Notice of such election shall be given in writing to the Authority not later than the date three months after the commencement of the period for which the rate is made or not later than the date fourteen days after the Authority posts its demand for payment of the rate.

(3) Any person who so elects shall be liable to pay the amount of his rate—

(*a*) for a rating period of twelve months in four instalments falling due on the last days of the third fifth eighth and eleventh months of that period;

(*b*) for a rating period of nine months in three instalments falling due on the last days of the third fifth and eighth months of that period; or

(*c*) for any other rating period in two instalments falling due respectively on the last days of the third and fifth months of the period—such instalments being as near equal as practicable:

Provided that where the demand notice is posted later than fourteen days prior to the date when the first instalment is due there shall be sufficient compliance with this section if the first instalment is paid within fourteen days of the posting of the demand.

(4) Notwithstanding anything in sub-section (1) of section 90 interest shall not be payable in respect of any instalment paid on or before the due date :

Provided however that where any instalment is not so paid it shall bear interest at the rate of eight per cent. per annum from the date that, but for this section, the whole of the rate would have been payable.

(5) Every demand for payment of any rate shall have printed thereon or annexed thereto a summary of the provisions of this section as they apply to the period for which the rate is made."

By Authority: A. C. Brooks, Government Printer. Melbourne.