

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 18 November 1987

*(Minister for Defence Science and Personnel)*

## A BILL

FOR

### **An Act to make provision for certain employees of Williamstown Dockyard**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title**

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1. This Act may be cited as the *Williamstown Dockyard Employees Act 1987*.

#### **Commencement**

2. This Act shall come into operation on a day to be fixed by Proclamation.

#### **Interpretation**

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3. In this Act, unless the contrary intention appears:

“Dockyard” means the Williamstown Dockyard at Williamstown in Victoria;

“Purchaser” means the purchaser of all the right, title and interest of the Commonwealth in the business, chattels and stock of the Dockyard;

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“relevant employee” means:

- (a) an officer or employee within the meaning of the *Public Service Act 1922*; or
- (b) a person engaged under section 42 of the *Naval Defence Act 1910*;

who is, and has continuously been since the commencement of the transition period, employed in or in connection with the Dockyard;

“remuneration” includes a fringe benefit within the meaning of the *Fringe Benefits Tax Assessment Act 1986*;

“the Service” has the same meaning as in the *Public Service Act 1922*;

“transfer day” means the day next following the last day of the transition period;

“transition period” means the period of 3 months, or such longer period as the Minister specifies by notice in writing published in the *Gazette*, commencing on the day on which the Purchaser takes possession of the Dockyard.

#### **Certain employees deemed to have been retired**

4. Where, during the transition period, a relevant employee accepts an offer of employment from the Purchaser, the employee shall:

- (a) be deemed to have been retired on the transfer day from the Service or from his or her employment under the *Naval Defence Act 1910*, as the case may be; and
- (b) if, on the transfer day, the employee has not attained the age of 60 years—be taken, for the purposes of the *Superannuation Act 1976*, to be a person who is deemed by subsection 58 (3) of that Act to have retired involuntarily.

#### **Certain employees deemed to resign**

5. (1) Subject to subsection (2), where, during the transition period, a relevant employee does not accept an offer of employment that has been made by the Purchaser, the employee shall, on the transfer day, be deemed to have resigned from the Service or from his or her employment under the *Naval Defence Act 1910*, as the case may be.

(2) Subsection (1) does not apply to a relevant employee who declines an offer of employment with the Purchaser because the remuneration payable to the employee under the terms and conditions of employment offered by the Purchaser is less than the remuneration payable to the employee by the Commonwealth immediately before the transfer day.