

LEGISLATIVE ASSEMBLY

Read 1^o 1 October 1980

(Brought in by Mr Austin and Mr Maclellan)

A BILL

To amend the *Port of Melbourne Authority 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 *Port of Melbourne Authority (Amendment) Act* 1980. Short title.

(2) In this Act the *Port of Melbourne Authority Act* 1958 is called the Principal Act. Principal Act No. 6312 reprinted to No. 8796, subsequently amended by Nos. 8926, 9019, 9927, 9178, 9204 and 9221.

10 (3) Section 2 shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

(4) Sections 1, 3 and 4 shall come into operation on the day on which this Act receives the Royal Assent.

Amendment of
No. 6312.

2. (1) For section 36A of the Principal Act there shall be substituted the following section:

Long service
leave.

“36A. (1) The Authority shall grant subject to and in accordance with the regulations—

- (a) long service leave with pay to— 5
 - (i) the Chairman of the Authority; and
 - (ii) a person who is one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act or is included in a class of officers, servants or persons so employed or appointed, being persons in respect of whom or a class of persons in respect of which the regulations provide for long service leave with pay; and 10
- (b) subject to sub-sections (2) and (3), payment in lieu of long service leave with pay to— 15
 - (i) the Chairman of the Authority, upon his ceasing to hold the office of chairman; and
 - (ii) a person who is one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act or is included in a class of officers, servants or persons so employed or appointed, being persons in respect of whom or a class of persons in respect of which the regulations provide for payment in lieu of long service leave with pay, upon that person leaving the service of the Authority. 20
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(2) Upon the death of—

- (a) the Chairman of the Authority; or
- (b) a person who was immediately before his death— 30
 - (i) one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act, being persons in respect of whom the regulations provide for payment in lieu of long service leave with pay; or
 - (ii) included in a class of officers, servants or other persons employed or appointed by the Authority for the purposes of this Act, being a class of persons in respect of which the regulations provide for payment in lieu of long service leave with pay— 35

the Authority shall grant subject to and in accordance with the regulations payment in lieu of long service leave with pay to the legal personal representative of that deceased person. 40

(3) Where—

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(a) the Authority is required by paragraph (b) of sub-section (1) to grant payment in lieu of long service leave with pay to any person; and

5 (b) the person dies before the Authority has paid to him the whole amount that it is required to pay pursuant to paragraph (b) of sub-section (1)—

10 the Authority shall to the extent to which the amount is unpaid grant subject to and in accordance with the regulations payment in lieu of long service leave with pay to the legal personal representative of that deceased person.”

(2) After section 136 (a) of the Principal Act there shall be inserted the following paragraph:

15 “(aa) long service leave with pay and payment in lieu of long service leave with pay for or in respect of—

(i) the Chairman of the Authority; and

20 (ii) officers, servants and other persons or classes of officers, servants and other persons employed or appointed by the Authority for the purposes of this Act—

25 including, but without limiting the generality of the foregoing, the definition of the nature and extent of service (being service before or after the commencement of section 2 of the *Port of Melbourne Authority (Amendment) Act 1980*) which the Authority may take into account when determining an entitlement to long service leave with pay or payment in lieu of long service leave with pay;”.

30 (3) The re-enactment of section 36A of the Principal Act effected by sub-section (1) shall not affect any entitlement to long service leave with pay that accrued pursuant to the Principal Act before the commencement of this section.

35 (4) The following provisions shall apply in relation to payment in lieu of long service leave with pay under section 36A of the Principal Act:

(a) The Principal Act as amended by this section shall not apply in respect of any payment in lieu of long service leave made before the commencement of this section;

40 (b) Where before the commencement of this section an amount became payable in lieu of long service leave pursuant to the Principal Act and at the date of commencement of this section no part of that amount has been paid, the Principal Act as amended by this section shall apply in respect of the calculation and payment of the amount in lieu of long service leave; and

(c) Where

- (c) Where before the commencement of this section an amount became payable in lieu of long service leave pursuant to the Principal Act and at the date of commencement of this section part of that amount is unpaid, the amount payable in lieu of the long service leave shall be the amount that would have been payable if no payment had been made before the commencement of this section less the amount paid before the date of commencement of this section. 5

Amendment of No. 6312 s. 108. Increase in maximum charges in respect of loading and landing cargo.

3. In section 108 of the Principal Act for the expression "\$2" there shall be substituted the expression "\$3". 10

Amendment of No. 6312 s. 126. Port of Melbourne Authority's debentures.

4. (1) In section 126 of the Principal Act for sub-section (1) there shall be substituted the following sub-sections:

"(1) Subject to sub-section (1B) any debenture issued under this Act shall— 15

- (a) be in the form or to the effect of the form in the Seventh Schedule;
- (b) be on water-marked paper approved by the Treasurer of Victoria;
- (c) be signed (either personally or by reproducing a signature on the debenture by a process approved by the Treasurer of Victoria or by engraving) by two members and the secretary and the treasurer of the Authority; and 20
- (d) bear the common seal of the Authority or a reproduction of that seal by a process approved by the Treasurer of Victoria or by engraving. 25

(1A) Debentures issued under this Act shall be numbered consecutively beginning at the number one in an arithmetical progression in which the common difference is one."

(1B) Any debenture issued under this Act shall be signed personally by at least one of the persons mentioned in paragraph (c) of sub-section (1)." 30

(2) Notwithstanding anything in sub-section (1), the provisions of the Principal Act as in force immediately before the commencement of this Act shall apply to and in relation to any debenture issued under the Principal Act before the commencement of this Act. 35