

1969

VICTORIA.



ANNO DUODEVICESIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7789.

An Act to amend the *Water Act* 1958 and for other purposes.

[15th April, 1969.]

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) :—

Short title.

1. (1) This Act may be cited as the *Water (Amendment) Act* 1969.

Principal Act
No. 6413.
Reprinted to
No. 7390.
Subsequently
amended by
No. 7781.

(2) In this Act the *Water Act* 1958 is called the Principal Act.

No. 6413.
New ss. 160A
and 160B.

Long service
leave.

2. (1) After section 160 of the Principal Act there shall be inserted the following sections :—

'160A. (1) In this section unless inconsistent with the context or subject-matter—

"Employé."

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

"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 trust. “ Period.”

(2) Every employé who has been employed by a waterworks trust for a period of fifteen years shall, subject to and in accordance with the regulations, be entitled to be granted by the trust 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 trust—

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 trust and himself.

(5) Where agreement between the trust and the employé, as required by sub-section (4), cannot be reached, the matter shall, on the request of either the trust 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 on account of age or ill health an employé retires or has his services terminated he may by notice in writing to the

trust

trust elect to take pay in lieu of the whole or any part of any such leave to which he is then entitled and the trust 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 trust elect to take pay in lieu of the whole or any part of such leave and the trust on her marriage or in such other special circumstances as the trust 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 trust 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) 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 trust.

(11) For the purposes of this section the services of any 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 trust 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.

(12) The Governor in Council may make regulations for or with respect to—

- (a) the nature of service which entitles employés to be granted long service leave ;
- (b) the method of computing pay under this section ;
- (c) carrying out the objects and purposes of this section.

160B. (1) Notwithstanding anything in section 160A 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 trust on the written application of the employé may, in lieu

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

of long service leave with pay, grant the payment to the employé of a sum determined by the trust, 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 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 trust that his resignation is justified by domestic or other pressing necessity the trust, 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 trust, 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 trust 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.

(2) In section 1 of the Principal Act in the portion of the Table relating to Division 2 of Part III. for the expression "Subdivision 7.—Officers of Waterworks Trusts ss. 156–160." there shall be substituted the expression "Subdivision 7.—Officers of Waterworks Trusts ss. 156–160B."

3. For sub-sections (1) and (2) of section 305 of the Principal Act there shall be substituted the following sub-sections :—

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

(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 Authority and shall be applied for the purposes for which the same were borrowed."

4. In Item 6 of Table 1 of Schedule Three B of the Principal Act for the expression "No. 73000" there shall be substituted the expression "No. 87546".