

north-easterly in two bearings again along portion of 244 acres aforesaid to Forcett-street aforesaid and thence again on the north-east by 62 feet 4½ inches north-easterly along that street to the point of commencement as the same is shown on survey diagram Volume 186R Folio 29 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

THE THIRTEENTH SCHEDULE.

TOWN OF EXETER.

1A. 2R. 1 2/10P.

Commencing at the western angle of 0a. 2r. 8½p. acquired for school purposes on Murray-street and bounded on the north-east by 2 chains 22 6/10 links south-easterly along that land on the north-west by 2 chains 52 links north-easterly again along that land again on the north-east by 3 chains 71 links south-easterly along portion of 2 acres school site on the south-east by 3 chains 52 links south-westerly along portion of 500 acres granted to W. H. Browne crossing French-street on the south-west by 5 chains 93 6/10 links north-westerly along portion of 500 acres aforesaid to Murray-street aforesaid and thence again on the north-west by 1 chain north-easterly along that street to the point of commencement as the same is shown on survey diagram Volume 194R Folio 13 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

MUNICIPAL EMPLOYEES' LONG-SERVICE LEAVE.

No. 92 of 1951.

AN ACT to make Provision for Long-Service Leave to Employees of Municipal Councils and for Matters incidental thereto. [18 December, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Municipal Employees' Long Service Leave Act 1951.* Short title.

2 In this Act, unless the contrary intention appears— Interpretation.

“council” means council of a municipality and includes the council of a city which the Governor has, at the request of the council concerned, declared by proclamation to be a council for the purposes of this Act;

“employee” means any person employed in any capacity by a council.

Certain employees entitled to long-service leave.

3—(1) Subject to this Act, every employee who had at the thirty-first day of May, nineteen hundred and fifty-one completed at least fifteen years' continuous service as an employee of one or more councils or who at any time after that date completes at least fifteen years' continuous service as an employee of one or more councils shall be entitled to and may be granted long-service leave of absence in accordance with this section.

(2) Leave of absence under this section shall comprise—

- (a) ninety days for the first completed fifteen years of such service, service before the thirty-first day of May, nineteen hundred and twenty-six not to count;
- (b) an additional ninety days for the next completed ten years of such service; and
- (c) nothing more for any further such service.

(3) Leave of absence due immediately after the passing of this Act may be deferred for any period not exceeding three years at the instance of the council.

(4) In any case where an employee has become entitled to leave of absence under this Act the council may by notice in writing to the employee direct the employee to commence such leave within six months after the date of the notice.

(5) If any employee fails or refuses to comply with the requirements of any such notice, he shall be deemed to have forfeited all his rights and privileges under this Act up to the date of the notice.

(6) For the purpose of this section, the length of service after the thirty-first day of May, nineteen hundred and twenty-six of an employee shall be computed from that date if he was then an employee, and if he was not then an employee from the commencement of his continuous service as an employee of one or more councils, and shall include any period of service in a temporary capacity or on probation, and any period of absence on leave, with or without pay, or absence on leave for the purpose of service as a member of any of His Majesty's Naval, Military, or Air Forces:

Provided that where any employee is granted leave of absence, whether with or without pay, for any period of or exceeding ninety days under any other Act, the period during which such employee is absent from duty in pursuance of the leave so granted shall not be included as part of his period of service as an employee for the purpose of computing the leave of absence to which the employee is entitled under this section, but in any such case the absence of the employee from duty shall not be considered as breaking his continuity of service.

(7) In any case where an employee has held any permanent office (in this subsection referred to as "the other office") in the service of another council, and has accepted an office or position in the service of a council directly from the other office, the length of his service shall, for the purposes of this section, be computed from the date on which he was permanently appointed to the other office; and any furlough or long-service leave granted to any such employee while he was in the service of the firstmentioned council or councils shall be deemed to have been granted to him in pursuance of this Act.

(8) Any employee who is granted leave of absence under this section may be paid his salary or wages in advance for a period equivalent to the period of his leave of absence.

(9) Any period of leave of absence granted to an employee in pursuance of this Act shall consist of the appropriate number of consecutive days, inclusive of any Saturdays, Sundays, or holidays occurring during such period.

4 In any case where an employee who is entitled to leave of absence under this Act—

Allowance to employees in certain cases.

- (a) dies;
- (b) retires from his employment on account of sickness; or
- (c) is compulsorily retired from his employment on account of—
 - (i) his age;
 - (ii) his position's having been abolished; or
 - (iii) his services' having become unnecessary,

but not otherwise, without having taken the leave of absence to which he is so entitled, or any part thereof, the employee or, in the case of his death his personal representatives, shall be entitled to payment of an allowance calculated in accordance with subsection (2) of this section and, upon receipt of an authority under this section, the council shall pay such allowance to the employee or his personal representatives, as the case may be.

(2) The allowance payable under this section to any employee, or to the personal representative of a deceased employee, shall be an amount equivalent to the salary which immediately prior to the employee's retirement or death, as the case may be, could have been paid to him if he had then been granted leave of absence pursuant to this Act.

(3) If an employee between the thirty-first day of May, nineteen hundred and fifty-one and the commencement of this Act suffered any of the casualties set out in subsection (1) of this section, he shall be deemed for the purpose of an allowance payable to him or his personal representative to have continued in the council's service and to have suffered the

casualty immediately after the commencement of this Act, but the period between the casualty and the commencement of this Act shall not count in computing the leave of absence to which he is entitled.

Preservation
of other
rights of
employees.

5—(1) Any leave of absence granted to an employee under this Act shall be in addition to any recreation leave or sick leave to which the employee may be entitled under any other Act:

Provided that recreation leave shall not, except with the express permission of the council, be granted to an employee under any other Act in respect of the calendar year in which any leave of absence granted to that employee under this Act commences, and if recreation leave has been granted to any employee in the calendar year in which any leave of absence granted to that employee under this Act commences, such recreation leave shall, unless the council otherwise directs, be regarded as part of the period of leave of absence granted to such employee under this Act.

(2) The period during which an employee is absent on leave granted under this Act shall, for all purposes, be included as part of the employee's period of service, and subject to subsection (1), shall be taken into account for the purpose of determining the salary payable on his return to duty and any recreation leave or sick leave to which the employee is entitled under any other Act.

Employees
not to engage
in paid
employment,
&c., while on
leave.

6—(1) No employee shall without the consent of the council while absent from duty on leave of absence granted under this Act—

- (a) engage in any business or undertaking, whether as principal or agent;
- (b) engage in the private practice of any profession; or
- (c) accept, or engage in, any paid employment of any kind whatsoever.

(2) If any employee contravenes any of the provisions of subsection (1) of this section, the council may, by notice in writing to the employee, direct him to return to duty, either forthwith or within such time as may be specified in the notice, and may, by the same or any subsequent notice, require the employee, within such time as may be specified therein, to refund such part of any salary or wages paid to him in advance in pursuance of subsection (9) of section three, not exceeding the salary or wages for a period equivalent to the then unexpired portion of his leave of absence, as may be specified in the notice.

(3) Any sum which is required to be refunded by any employee in accordance with subsection (2) may be recovered by the council by action in any court of competent jurisdiction.

(4) Where any employee is recalled to duty in pursuance of subsection (2) of this section, he shall be deemed to have forfeited all his rights and privileges under this Act up to the date upon which he returns to duty.

(5) The provisions of this section shall not prejudice or affect any punishment or penalty which may be imposed on any employee under the provisions of any other Act.

7 Where a council pays to an employee salary or wages pursuant to the provisions of subsection (8) of section three or to an employee or his personal representatives an allowance pursuant to the provisions of section four it shall be entitled to recover from any other council in whose employment the employee has served such part of the said salary, wages, or allowance as shall be proportionate to the period of employment in the service of that other council in relation to the total period of employment which constitutes the employee's or his personal representatives' qualification to receive the payment.

Apportionment of expense when employee has served more than one council.

8 The Governor may make regulations providing for and regulating the making and granting of applications for leave of absence under this Act, and prescribing the procedure to be observed in connection therewith, and generally for the purposes of this Act.

Regulations.

MARGATE AND SNUG WATER.

No. 93 of 1951.

AN ACT to make Provision for a Supply of Water to the Towns of Margate and Snug and adjacent Lands, and to the Inhabitants thereof.

[18 December, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Margate and Snug Water Act 1951.* Short title.

2 In this Act, unless the contrary intention appears— Interpretation.
 “domestic purposes” means any purpose associated with the occupation of a dwelling-house or portion of a dwelling-house, and includes flushing private closets and fixed baths therein or used in connection therewith, but does not include any trade or business, or irrigation, or supplying machinery or steam engines, or supplying plant for warming a dwelling-house or building, or washing carriages or vehicles (whether drawn or propelled by animals or machinery), or watering gardens, or supplying fountains or other ornamental devices, or flushing sewers or drains;