

## Attachment C

### **Sections 47 to 50 of the Tasmanian Water and Sewage Corporations Act:**

#### ***“47. Transfers of employees generally***

*(1) As soon as practicable after receiving notice of the transfer day specified in a transfer order, the relevant transferor is to give to each of its employees specified in the transfer order written notice that his or her employment is to be transferred on that day, by the operation of this Part, to the transferee specified in the transfer order.*

*(2) Transferred employees are regarded for all purposes as having become employees of the transferee, in accordance with the terms of the transfer order, on the transfer day specified in the order.*

*(3) Before, or as soon as practicable after, the employment of a person is transferred to a transferee by the operation of this Part, the transferee, by written notice provided to the person, may determine the position description, title, role or duties for the position to be occupied by the person in the transferee that is different from his or her position description, title, role or duties in the transferor.*

*(4) A chief executive officer of a transferor whose employment is transferred to a transferee by operation of this Part is not transferred to the position of chief executive officer of the transferee unless the Board of that transferee has appointed him or her to that position.*

#### ***48. General preservation of conditions of employment***

*(1) A transferred employee –*

*(a) is, for a period of not less than 12 months from the transfer day, to be paid by way of remuneration (excluding any bonus payments) by the transferee an amount per annum no less than the amount he or she received per annum (excluding any bonus payments) immediately before the day on which this Act receives the Royal Assent or such other date agreed by the transferee; and*

*(b) is, subject to any determination made under section 47(3), to be employed by the transferee for a period of not less than 12 months from the transfer day –*

*(i) in accordance with any awards, agreements and determinations which would have applied to him or her had he or she not been transferred but instead remained as an employee of the transferor; and*

*(ii) on terms and conditions in aggregate that are no less favourable to that transferred employee than those which would have applied to him or her immediately prior to the day on which this Act receives the Royal Assent or such other date agreed by the transferee –*

*except where this or any other Act or law makes specific provision in respect of superannuation; and*

(c) retains any rights to annual leave, long-service leave, sick leave, and other forms of leave, accrued or accruing during his or her employment with the transferor, and may claim any such entitlements as against the transferee.

(2) Nothing in this section prevents any of the terms of employment of a transferred employee being altered by an award, industrial agreement or law after he or she becomes a transferred employee

#### **49. Superannuation**

(1) A Corporation may make contributions to one or more superannuation schemes that comply with the law of the Commonwealth relating to superannuation.

(2) A Corporation may participate in a superannuation scheme provided for under the [Retirement Benefits Act 1993](#) or the [Public Sector Superannuation Reform Act 1999](#) in respect of employees transferred under a transfer order who were members of those schemes immediately before being transferred.

(3) If a Corporation participates in either of the schemes specified in subsection (2), the Corporation is taken to be a prescribed authority for the purposes of the [Retirement Benefits Act 1993](#) or the [Public Sector Superannuation Reform Act 1999](#) in respect of any of its employees who are subject to the scheme.

(4) If a Corporation participates in a superannuation scheme provided for under the [Retirement Benefits Act 1993](#) or the [Public Sector Superannuation Reform Act 1999](#), it must comply with any instruction relating to superannuation given to it by the Minister administering those Acts.

(5) A Corporation is to make adequate provision to meet any liability it may have under the [Retirement Benefits Act 1993](#) to pay pension and other benefits in respect of all transferred employees.

(6) Except where approved by the Treasurer, a Corporation or its subsidiary must not establish a superannuation scheme.

#### **50. No payment-out on transfer or dual benefits**

(1) Transferred employees are not entitled to receive any payment or other benefit merely because they cease to be employees of the transferor.

(2) Transferred employees are not entitled to claim, both under this Act and under any other Act, dual benefits of the same kind for the same period of service. ”