

COMMONWEALTH EMPLOYEES' FURLOUGH.

No. 33 of 1944.

An Act to amend the *Commonwealth Employees' Furlough Act 1943*.

[Assented to 6th October, 1944.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Commonwealth Employees' Furlough Act 1944*. Short title and citation.

(2.) The *Commonwealth Employees' Furlough Act 1943** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Employees' Furlough Act 1943–1944*.

2. This Act, except sections four and seven, shall be deemed to have come into operation on the twenty-ninth day of March, One thousand nine hundred and forty-three, and sections four and seven shall come into operation on the day on which this Act receives the Royal Assent. Commencement.

3. Section three of the Principal Act is amended by inserting, after the definition of "approving authority", the following definition :— Definitions.

" ' authority of a State ' means a public authority constituted under the law of a State for the purpose of discharging, subject to the direction or control of a Minister of State for the State, functions which are within the province of the State Government, and does not include any local governing body ; " .

4. Section five of the Principal Act is amended by omitting paragraph (e) and inserting in its stead the following paragraph :— Application of Act.

" (e) any person, employed by the Commonwealth or by an authority of the Commonwealth at the date of the commencement of this paragraph, to whom or in relation to whom the provisions of any Act, or any rules, regulations or by-laws under any Act, in force at that date, providing for the granting of long-service leave, are applicable ; " .

* Act No. 19, 1943.

Period of
service.

5. Section six of the Principal Act is amended—

(a) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Where a Commonwealth employee has been employed continuously—

(a) in two or more of the services specified in paragraphs (a), (b) and (c) of the last preceding sub-section ; or

(b) in one or more of those services and, prior to his current period of employment, by the Commonwealth (including an authority of the Commonwealth),

and the periods for which he was so employed are continuous with one another and with his current period of employment, the sum of those periods of employment shall, subject to this section, be included in his period of service for the purposes of this Act.” ;

(b) by omitting from paragraph (c) of sub-section (3.) the word “or” (last occurring) ;

(c) by omitting from paragraph (d) of that sub-section the word “service” and inserting in its stead the words “employment terminated by retirement, after attaining the age prescribed by any law specified in this paragraph after which an employee may retire or be retired,” ;

(d) by adding at the end of that sub-section the following word and paragraph :—

“ ; or

(e) in the case of an employee who is not entitled to continue in office until he reaches a specified age, any period by which, at the date on which leave of absence is granted, or payment of a sum equivalent to salary is authorized, under section seven or section eight of this Act, the total period of his employment in one or both of the services specified in paragraphs (a) and (b) of sub-section (1.) of this section, which may be included in his period of service under that sub-section or sub-section (2.) of this section, exceeds the total period of his employment by the Commonwealth (including an authority of the Commonwealth), and of his employment (if any) in the Public Service of a Territory of the Commonwealth, which may be so included.” ;

(e) by omitting sub-section (4.) and inserting in its stead the following sub-section :—

“ (4.) Except in the event of his discharge on account of unsatisfactory service, the continuity of the service of a Commonwealth employee shall not be deemed to be, or to have been, broken by any periods of absence, if—

(a) any period of absence does not exceed, or has not exceeded, twelve months in a continuous period ; and

(b) the periods of absence do not exceed in the aggregate one-seventh of the total number of working days and holidays occurring after the commencement of the first period of his employment which may be included in the period of his service under sub-section (1.) or sub-section (2.) of this section,

but the period of any absences shall, for the purposes of this Act, be deducted from the employee's period of service.” ; and

(f) by omitting from sub-section (5.) the words “ to have broken the continuity of his service or to be ” and inserting in their stead the words “ to break, or to have broken, the continuity of his service or to be, or to have been,”.

6. Section nine of the Principal Act is amended by inserting in paragraph (a) of sub-section (1.), after the word “ Commonwealth ” (third occurring), the words “ or of a State or Territory of the Commonwealth”.

Limit of
furlough or
payment in
lieu thereof.

7.—(1.) Notwithstanding anything contained in section seven or section eight of the Act, if the provisions of any Act, rules, regulations or by-laws referred to in paragraph (e) of section five of the Act are repealed and the period of long service leave or the amount of the payment which could, under those provisions, have been granted or made to or in relation to any person who was, prior to that repeal, a person of the class referred to in that paragraph, is greater than the period of leave of absence or the amount of the sum equivalent to salary which may be granted or paid to or in relation to that person under section seven or section eight, as the case may be, of the Act, the approving authority may, in lieu of any leave of absence or payment which may be granted or authorized under either of those sections, grant to that person leave of absence for a period not exceeding that greater period, or authorize payment to him or his dependants of a sum not exceeding that greater amount.

Persons to
whom the
Act becomes
applicable.

(2.) In this section “ the Act ” means the *Commonwealth Employees' Furlough Act 1943-1944*, and expressions used in this section have the same meaning as in that Act.