

COMMONWEALTH EMPLOYEES' FURLOUGH.

No. 29 of 1953.

An Act to amend the *Commonwealth Employees' Furlough Act 1943-1951*.

[Assented to 15th April, 1953.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Employees' Furlough Act 1953*.

(2.) The *Commonwealth Employees' Furlough Act 1943-1951** 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 1943-1953*.

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-two.

Definitions.

3. Section three of the Principal Act is amended by inserting after the definition of "Commonwealth employee" the following definition :—

“ ‘retrenchment’, in relation to a Commonwealth employee, means the compulsory termination of the service of the Commonwealth employee for the reason that—

(a) his service or position is not necessary ;

(b) the work for which he was engaged is finished ; or

(c) a reduction in the number of any Commonwealth employees is necessary because the quantity of work has diminished ;”.

* Act No. 19, 1943, as amended by No. 33, 1944 ; and No. 78, 1951.

4. Section seven of the Principal Act is amended by omitting from sub-sections (1.) and (2.) the words "twenty years" and inserting in their stead the words "fifteen years".

Grant of furlough to Commonwealth employees.

5. Section eight of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Grant of extended leave or pay in lieu to Commonwealth employees not entitled to furlough.

"(1.) The approving authority may grant to a Commonwealth employee whose period of service is not less than eight years but is less than fifteen years, immediately prior to—

(a) his ceasing to be a Commonwealth employee (otherwise than by discharge on account of unsatisfactory service) on, or subsequent to, his attaining the age of sixty years; or

(b) his retrenchment,

leave of absence on full salary as follows:—

(c) where the period of service of the Commonwealth employee is less than twelve years—three months;

(d) where the period of service of the Commonwealth employee is not less than twelve years—four months.";

(b) by omitting from sub-section (3.) the words "twenty years" and inserting in their stead the words "fifteen years"; and

(c) by omitting from sub-section (4.) the words "twenty years" and inserting in their stead the words "fifteen years".

6.—(1.) Section nine of the Principal Act is amended—

(a) by omitting paragraph (b) of sub-section (1.); and

(b) by omitting sub-section (2.).

Limit of furlough or payment in lieu thereof.

(2.) The amendments made by the last preceding sub-section do not affect the operation of the Principal Act in relation to a period of leave of absence under the Principal Act completed before the commencement of this Act.

7.—(1.) After section nine of the Principal Act the following section is inserted:—

"9A.—(1.) Where a Commonwealth employee has been absent from his employment on leave granted under this Act for a period of more than one month, a period calculated in accordance with the next succeeding sub-section (in this section referred to as 'the calculated period') shall be set off against leave of absence for recreation of the employee in accordance with sub-sections (3.) and (4.) of this section.

Reduction of recreation leave by reason of furlough.

"(2.) The period to be set off shall be calculated by multiplying a period equal to one-twelfth of the period of leave of absence for recreation for the grant of which the Commonwealth employee

becomes eligible in, or in respect of, a year of service by a number equal to the number of complete months of the leave granted under this Act (excluding the first month).

“(3.) Where, at the end of the leave granted under this Act, the Commonwealth employee is eligible for the grant of leave of absence for recreation, the period of that leave for which he is so eligible shall be deemed to be reduced by so much of that period as does not exceed the calculated period.

“(4.) Where—

- (a) the last preceding sub-section does not apply ; or
- (b) the calculated period exceeds the period deducted under that sub-section,

the next period of leave of absence for recreation for the grant of which the Commonwealth employee becomes eligible shall be deemed to be reduced by the calculated period, or by the balance of the calculated period, as the case may be.

“(5.) Where a Commonwealth employee becomes eligible for pay in lieu of leave of absence for recreation, the period for which the pay is to be calculated shall be reduced to the extent (if any) to which, under this section, it would be reduced if it were a period of leave of absence for recreation for which the Commonwealth employee became eligible at the time when he became eligible for that pay.

“(6.) Where, in relation to a Commonwealth employee, the sum of—

- (a) the calculated period ;
- (b) any period by which, by virtue of a previous application of this section, a period of leave of absence for recreation, or a period for which pay in lieu of such leave would otherwise have been calculated, has been reduced ; and
- (c) any period of leave of absence for recreation which, under paragraph (b) of sub-section (1.) of section nine of the *Commonwealth Employees' Furlough Act 1943-1951* or under a similar provision of another law of the Commonwealth, has been withheld or regarded as leave of absence under that Act or as similar leave of absence under that other law,

exceeds the period of leave of absence for recreation for which the Commonwealth employee becomes eligible in, or in respect of, a year of service, the calculated period shall be reduced by the excess.

“(7.) This section applies notwithstanding any provision regarding leave of absence for recreation contained in a law, or in an award, determination or agreement, made before the commencement of this section.”.

(2.) The section inserted by the last preceding sub-section applies in relation to a period of absence on leave granted under the Principal Act only if that period ends after the date of commencement of this Act.