

RURAL AND INDUSTRIES BANK.

14° and 15° Geo. VI., No. XL.

No. 40 of 1950.

AN ACT to amend the Rural and Industries Bank Act, 1944-1949.

[Assented to 18th December, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Rural and Industries Bank Act Amendment Act, 1950*, and shall be read as one with the Rural and Industries Bank Act, 1944-1949 (Act No. 51 of 1944, as amended by Acts Nos. 36 of 1947 and 14 of 1949, and affected by Act No. 53 of 1947), hereinafter referred to as the principal Act. Short title.

2. The principal Act, as amended by this Act, may be cited as the Rural and Industries Bank Act, 1944-1950. Citation of principal Act as amended by this Act.

S. 36
amended.

3. Section thirty-six of the principal Act is amended by adding the following subsection:—

Interpreta-
tion.

(5) (a) In this subsection, unless the context requires otherwise—

“concession” includes a grant of long service leave and a grant of a concessional payment of a lump sum in place of long service leave;

“continuous service,” for the purpose of ascertaining any qualifying period—

- (i) means, subject to the provisions of the succeeding paragraphs of this interpretation, the period during which the officer concerned has been or, pursuant to paragraph (a) of the last preceding subsection, is regarded as having been, continuously in the employ of the Commissioners;
- (ii) includes, as regards service before the appointed day, every day of the period commencing with the appointment of the person concerned as an officer of the Bank or the Agricultural Bank, as the case may be, and terminating on the appointed day with the exception only of his service prior to his attaining the age of eighteen years;
- (iii) includes, as regards service after the appointed day, every day of the period during which the officer concerned has been in the employ of the Commissioners, with the exception of each day of—
 - (I) any period during which the officer is absent on leave without pay, except fourteen days in each year;
 - (II) the whole or part of any period of long service leave which is taken;

- (III) any service of an officer who is dismissed, other than that service which would qualify him at the date of his dismissal to a period of long service leave of not less than three months;
- (IV) any service of an officer who resigns, except of a female officer who resigns because of or with a view to her marriage, other than that service which would qualify him at date of resignation to a period of long service leave of not less than three months;
- (V) any service of an officer prior to his attaining the age of eighteen years;

“officer” means an officer of the Bank and includes a Commissioner;

“qualifying period” means in relation to a concession the appropriate period of continuous service served by the officer concerned wholly in a permanent capacity, wholly in a temporary capacity, or partly in each.

(b) The provisions of this subsection do not confer a right or entitlement to the grant of a concession but, subject to the provisions of this subsection, confer upon the Commissioners the power to grant or refuse to grant concessions in their absolute discretion.

Discretionary
power of
Commis-
sioners.

(c) Every entitlement to long service leave or payment instead of long service leave conferred by the provisions of the last preceding subsection having been adjusted and settled before the coming into operation of the Rural and Industries Bank Act Amendment Act, 1950, a concession pursuant to the provisions of this subsection shall not be granted in respect of that period of service which qualified for that

Exclusion of
double
benefits.

entitlement and which period of service is represented by the letter A, in subparagraph (i) of paragraph (c) of that subsection, but the provisions of this paragraph shall not exclude that period from the calculation of the commencement of a qualifying period referred to in the next succeeding paragraph of ten or seven years, as the case may be, relating to a concession which may be granted pursuant to the provisions of this subsection.

Long service
leave.

(d) Subject to the provisions of this subsection, the Commissioners may—

(i) grant to an officer periods of long service leave on full pay not exceeding three months in each case in respect of—

the officer's first qualifying period of ten years;

the officer's second qualifying period of ten years;

each succeeding qualifying period of seven years of the officer, the first of which commences after the expiration of the second qualifying period of ten years;

(ii) permit the accumulation of periods of long service leave which may be taken on full pay but so that the accumulation shall not exceed a total of six months;

(iii) approve—

an increase in the duration of—

the period of long service leave which may be granted pursuant to the provisions of subparagraph (i) of this paragraph; or

the periods of long service leave which may be permitted to be accumulated pursuant to the provisions of subparagraph (ii) of this paragraph—

as the case may be—

but so that the total duration approved pursuant to the provisions of this paragraph shall not exceed—

twice the maximum of a period of long service leave which may be granted pursuant to the provisions of subparagraph (i) of this paragraph; or

twice the total of the maximum periods which may be permitted to be accumulated pursuant to the provisions of subparagraph (ii) of this paragraph—

as the case may be;

but in no case shall the total amount of pay for a duration approved pursuant to the provisions of this paragraph exceed the total amount of the full pay, which would have been payable if long service leave had been taken—

for the period granted pursuant to subparagraph (i) of this paragraph; or

for the periods permitted to be accumulated pursuant to subparagraph (ii) of this paragraph;

as the case may be;

(iv) direct that long service leave granted shall be taken at such time or times as they consider convenient to the administration of this Act and may from time to time vary a direction so given, and the leave shall be taken accordingly;

Leave to be taken to suit the convenience of administration.

(v) in accordance with by-laws made pursuant to paragraph (f) of this subsection grant concessional payment of a lump sum—

Concessional payments.

based upon the rate of salary of the officer concerned at the time of the cessation of his employment, but not exceeding, in any case, the equivalent of salary payable at that rate for a period of six months—

in place of long service leave which may have been taken if granted in

respect of a qualifying period or part of a qualifying period which has expired when an officer—

retires after attaining the age of sixty years;

retires on account of ill-health;

being a female officer, resigns because of or with a view to her marriage;

ceases to be in the employ of the Commissioners, in such circumstances that they are of opinion a grant should be made; or

dies;

and payment of a sum so granted shall be made to the officer concerned, or in the event of his death, to his widow or such other person as the Commissioners shall think fit.

Inclusion of public holidays in leave.

(e) Where public holidays occur during a period in which an officer is on long service leave, they shall be regarded as part of that leave, and no extra leave on account of the holidays shall be granted or taken.

By-law.

(f) (i) The Commissioners may make by-laws prescribing forms, fees and all matters which are required or permitted to be prescribed or are convenient for carrying into operation the provisions of this subsection, and in particular and without prejudice to the generality of the foregoing power, may make by-laws with respect to—

concessional payments, including the salary rate, minimum period of duration of qualifying period expired, and apportionment in relation to part of qualifying period expired, having regard to any officer or class of officer upon which the calculation of concessional payments shall be based.

(ii) The by-laws may impose a penalty not exceeding fifty pounds for a breach of a by-law.