

PUBLIC SERVICE.

11° GEO. VI., No. XVI.

No. 16 of 1947.

AN ACT to amend Section sixty-three of the Public Service Act, 1904-1935.

[Assented to 1st November, 1947.]

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

1. (1) This Act may be cited as the *Public Service Act Amendment Act, 1947*, and shall be read as one with the Public Service Act, 1904-1935 (Act No. 41 of 1904 as reprinted with amendments in the Appendix to the Sessional Volume of the Statutes for the year 1930, and amended by Act No. 28 of 1935), hereinafter referred to as the principal Act; and the principal Act, as amended by this Act, may be cited as the Public Service Act, 1904-1947.

Short title
and citation.
cf. No. 28 of
1935, s. 6.

Commence-
ment.

(2) This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
s. 63.
Repeal and
new section

2. Section sixty-three of the principal Act is repealed and the following section inserted in lieu thereof:—

Long service
leave.

63. (1) Subject to this section, any officer who in the public service, shall have completed seven years of continuous service in a permanent capacity, or ten years of continuous service in a temporary capacity, or eight and one-half years of continuous service, of which not less than eighteen months shall have been served in a temporary capacity and the balance in a permanent capacity, shall be or become entitled to three months of long service leave on full pay.

Additional
leave.

(2) Subject to this section, every officer in the public service shall be or become entitled to an additional three months of long service leave on full pay in respect of each and every subsequent period of seven years of continuous service completed by him.

When to be
taken.

(3) Every officer shall take the long service leave to which he shall be or become entitled under this section between such dates as the Commissioner, after obtaining a report from the Permanent Head, may direct or approve, but within seven years next after becoming entitled thereto: Provided that, upon application by the officer and on the recommendation of the Commissioner, the Governor may—

(a) in the case of any officer, approve the accumulation of his long service leave entitlement up to a maximum of six months thereof;

(b) in the case of any officer who at the date of the proclamation of the Public Service Act Amendment Act, 1947, has accumulated or within five years of such date shall accumulate at least six months' long service leave, approve the accumulation of his long service leave entitlement (inclusive of the long service leave already accumulated) up to a maximum of twelve months thereof.

(4) Upon application by any officer and on the recommendation of the Commissioner, the Governor may approve of the taking by the officer— ^{Concessions.}

- (a) of double the period of long service leave entitlement on half pay in lieu of the period of long service leave entitlement on full pay; or
- (b) of any portion of his long service leave entitlement on full pay or double such period on half pay.

(5) The Governor may make regulations further- ^{Regulations}ing or facilitating the objects or operation of this section, and providing for lump sum payments in lieu of long service leave entitlements, and for pro rata long service leave entitlements, to officers who retire after attaining the age of sixty years or through ill-health, to female officers who resign because of or with a view to marriage, to other officers, and, in the case of a deceased officer, to his widow or other person approved by the Treasurer; and, in relation to each class of officer, to prescribe the minimum qualifying continuous service: Provided that the calculation of the amounts of leave or money due to any officer under such regulations shall be based upon the rate of salary of the officer at the date of his retirement, resignation or death, as the case may be; and no payment shall exceed the equivalent of twelve months' salary.

(6) The expression "continuous service" in this section includes any period during which the officer is absent on full pay or part pay from his duties in the public service, but does not include— ^{Meaning of "continuous service."}

- (a) any period exceeding two weeks during which the officer is absent on leave without pay;
- (b) any period during which the officer is taking his long service leave entitlement or any portion thereof;
- (c) any service of the officer prior to his attaining the age of eighteen years;

- (d) any service of the officer who resigns (except a female officer who resigns because of or with a view to marriage) or is dismissed, other than service prior to such resignation or to the date of any offence in respect of which he is dismissed, when such prior service has actually entitled the officer to long service leave under this section.

Retrospective
operation of
Act.

3. This Act shall operate and have effect retrospectively to the thirty-first day of January, 1942, and shall apply to all permanent and temporary officers who were on that date, or who subsequently became or become employed under the principal Act: Provided that nothing in this Act shall prejudice or affect the operation of section sixteen of the Interpretation Act, 1918-1938.
