



Western Australia

WATER BOARDS ACT 1904

## **Bunbury Long Service Leave By-Laws**

These by-laws were repealed by the *Repeal of By-laws Notice 2004* as at 15 Jun 2004 (see *Gazette* 15 Jun 2004 p. 2028).

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## **Bunbury Long Service Leave By-Laws**

### **Contents**

1.	Interpretation	1
2.	Entitlement to long service leave	2
3.	Sick leave	2
4.	Payment in lieu	2
5.	Dismissal	3
6.	Payment during long service leave	3
7.	Annual leave	4
8.	Other employment not permitted	4
9.	Length of long service leave	4
10.	Board may vary entitlement date	5
	<b>Notes</b>	
	Compilation table	6



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## **Bunbury Long Service Leave By-Laws**

Bunbury Water Board

A By-law of the Bunbury Water Board made under Section 141 of the *Water Boards Act 1904*, for granting Long Service Leave to Employees.

In pursuance of the powers conferred by the said Act, the chairman and members of the Bunbury Water Board order as follows: —

### **1. Interpretation**

In the interpretation of this by-law the following words shall have the meanings assigned to them hereunder: —

**“Board”** means the Bunbury Water Board.

**“Continuous service”** means service in the employment of this Board during which an employee has not been absent from the service of the Board for a continuous period of more than two days or an aggregate period of more than 10 days without leave of absence being granted by the Board, provided that an employee who was employed by the Board on a permanent basis immediately prior to entering continuous full-time service with the Armed Forces of the Commonwealth of Australia, or who was directed by the Manpower Directorate to serve elsewhere, between the 3rd day of September, 1939, and the 3rd day of March, 1947, shall have such service counted as continuous service with this Board provided the requisite proof is produced.

**2. Entitlement to long service leave**

All employees of the Board shall, after each period of 10 years continuous service as permanent full-time employees thereof, commencing from the 1st day of November, 1951, be entitled to three months long service leave, providing that there shall be credited to each employee who was employed by the Board prior to the 1st day of November, 1951, two-fifths (2/5) of the total number of months which they have served in continuous service in the employment of Board and that the 10 year qualifying period mentioned in this paragraph shall wherever applicable be reduced accordingly by the number of months which is determined by such credit. Long service leave shall be taken at the convenience of the Board, which will, as far as possible, meet with the wishes of the employee, but the Board may require the employee to take leave by giving not less than three months' notice.

**3. Sick leave**

Absence on account of sickness shall not be deemed to be a break in continuity of service, provided the period of absence shall not exceed three months in any year, unless otherwise decided by the Board.

**4. Payment in lieu**

A lump sum payment for long service leave accrued in accordance with this clause and for *pro rata* long service leave shall be made in the following cases: —

- (i) To an officer who retires at or over the age of sixty years or who is retired on the grounds of ill health, provided that no payment shall be made for *pro rata* long service leave unless the officer has completed not less than twelve months' continuous service.
- (ii) To a female officer who resigns on marriage or approaching marriage, provided that no payment shall be made for *pro rata* long service leave unless the officer

had completed not less than five years' continuous service before the date on which her resignation becomes effective and provided further that she produces her marriage certificate before any payment is made.

- (iii) To an officer who is retired for any other cause provided that no payment shall be made for *pro rata* long service leave unless the officer had completed not less than five years' continuous service before the date of his retirement.
- (iv) To the widow of an officer or to such other person as may be approved by the board in the event of the death of an officer, provided that no payment shall be made for *pro rata* long service leave unless the officer had completed not less than twelve months' continuous service prior to the date of his death.

The calculation of the amount due for long service leave accrued and for *pro rata* long service leave shall be made at the rate of salary of an officer at the date of retirement, resignation or death whichever applies and no such payment shall exceed the equivalent of twelve months' salary.

*[By-law 4 amended by Gazette 28 September 1960 p.2992.]*

**5. Dismissal**

An employee dismissed by the Board, except in the matter of retrenchment shall not be paid any sum in pursuance of the preceding paragraph.

*[By-law 4 amended by Gazette 28 September 1960 p.2992.]*

**6. Payment during long service leave**

- (a) Employees due to take long service leave shall be paid their salary or wage for the period thereof at the rate equivalent to the salary paid in the week immediately preceding the taking of long service leave.

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- (b) The Board may, at its discretion, either (i) pay to an employee his wages or salary periodically during long service leave, or (ii) pay to the employee in advance a sum representing the amount of his wages or salary for the period of his long service leave.

**7. Annual leave**

All annual leave to which an employee is entitled or will become entitled before the expiration of his long service leave shall be taken by the employee in conjunction with his long service leave, but any public holidays which may occur during the taking of his long service leave are not to be paid for over and above the long service leave, but are to form part of such long service leave.

**8. Other employment not permitted**

Long service leave shall be considered as a special period of recuperation after a lengthy term of service with a view to fitting the employee for a further term, and during such leave no employee shall undertake any form of employment for hire or reward, unless by special permission of the Board. Any contravention of this subclause shall entitle the Board to dismiss the employee from its service, and to cease paying or to recover any amounts paid in advance on account of long service leave. Provided however, that the Board may grant long service leave to an employee of the Board if, before a period of 10 years continuous service is reached, such employee retires from the Board's service owing to having reached the retiring age, or who because of circumstances beyond his control such as illness, accident, death or retrenchment, is unable thereby to carry on his employment, in which case the long service leave may be adjusted *pro rata*.

**9. Length of long service leave**

The long service leave which may be granted under this by-law shall be in the ratio of not exceeding 1 3/10ths weeks for every



completed year of service which qualified the employee for such long service leave, and shall be on full pay.

**10. Board may vary entitlement date**

The Board hereby expressly reserves the right to either retard or advance by a period of one year, the date on which any employee may be required to take his or her long service leave.

**Notes**

- <sup>1.</sup> This is a compilation of the *Bunbury Long Service Leave By-laws* and includes the amendments referred to in the following Table.

**Compilation table**

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Bunbury Long Service Leave By-laws</i>	11 Jun 1954 pp.1068-69 28 Sep 1960 p.2992	11 Jun 1954

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**These by-laws were repealed by the *Repeal of By-laws Notice 2004* as at 15 Jun 2004 (see *Gazette 15 Jun 2004 p. 2028*)**

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