

# STATUTORY RULES

1972 No.

## REGULATIONS UNDER THE HIGH COMMISSIONER (UNITED KINGDOM) ACT 1909-1966.\*

THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *High Commissioner (United Kingdom) Act 1909-1966*.

Date: *21st*  
Day of *May*, 1972.

**Paul Hasluck**  
Governor-General.

By His Excellency's Command,

*J.D.M. Dobie*  
(J.D.M. Dobie)  
Member of the Federal Executive  
Council, for and on behalf  
of the Prime Minister.

### AMENDMENTS OF THE HIGH COMMISSIONER (STAFF) REGULATIONS†

1.—(1.) Regulation 34 of the High Commissioner (Staff) Regulations is repealed and the following regulation inserted in its stead:—

" 34.—(1.) In this regulation—

Shift duty.

- (a) 'night shift' means a shift that comprises or includes a period of four and one-half hours between eight o'clock in the evening of a day and six o'clock in the morning of the next following day;
- (b) 'officer' means an officer or employee occupying or performing the duties of an office or temporary position of Machine Operator, Grade 1 (Communications) or Machine Operator, Grade 2 (Communications);
- (c) 'ordinary shift' means a shift that commences and ends between eight o'clock in the morning of a day and half-past six o'clock in the evening of that day;
- (d) 'roster', in relation to an officer, means a complete sequence of shifts to be worked by the officer;
- (e) a reference to a shift, or a particular kind of shift, that an officer is rostered to work shall be read as a reference to a shift, or a shift of that kind, in a complete sequence of shifts to be worked by the officer, whether or not the officer is, or intends to be, absent from duty during that shift; and
- (f) a reference to the number of shifts that an officer is rostered to work shall be read as a reference to the total number of shifts in a complete sequence of shifts to be worked by the officer.

" (2.) Each shift, other than an ordinary shift, that an officer is rostered to work is a penalty shift for the purpose of this regulation.

\* Notified in the *Commonwealth Gazette* on 1972.  
† Statutory Rules 1960, No. 87, as amended by Statutory Rules 1965, No. 87; 1966, No. 76; 1967, Nos. 29 and 72; 1968, Nos. 21, 103, 128 and 164; 1969, Nos. 74, 150 and 192; 1970, Nos. 91, 146, 215 and 216; 1971, Nos. 81, 110 and 151; and 1972, No.

"(3.) Where the number of ordinary shifts that an officer is rostered to work exceeds one-half of the number of shifts that the officer is rostered to work, the ordinary shifts that he is rostered to work are not penalty shifts for the purpose of this regulation.

"(4.) Subject to the last preceding sub-regulation, where an officer is rostered to work a sequence of more than five consecutive ordinary shifts, whether by virtue of a single roster or two consecutive rosters, an ordinary shift in the sequence after the first five ordinary shifts in the sequence is not a penalty shift for the purpose of this regulation.

"(5.) Where the number of ordinary shifts that an officer is rostered to work does not exceed one-third of the number of shifts that the officer is rostered to work, each ordinary shift in the roster, not being an ordinary shift that is not a penalty shift by virtue of the last preceding sub-regulation, is a penalty shift for the purpose of this regulation.

"(6.) Where—

- (a) a number of ordinary shifts that an officer is rostered to work exceeds one-third, but does not exceed one-half, of the number of shifts that the officer is rostered to work;
- (b) the number of night shifts that the officer is rostered to work is not less than one-quarter of the number of shifts that the officer is rostered to work; and
- (c) the officer is not rostered to work a sequence of more than five consecutive ordinary shifts,

each ordinary shift that he is rostered to work is a penalty shift for the purpose of this regulation.

"(7.) Except as provided by the last preceding sub-regulation, where the number of ordinary shifts that an officer is rostered to work exceeds one-third, but does not exceed one-half, of the number of shifts that the officer is rostered to work, the ordinary shifts that he is rostered to work, to a number equal to one-third of the number of shifts that he is rostered to work, being the ordinary shifts first occurring in the roster (any ordinary shifts that are not penalty shifts by virtue of sub-regulation (4.) of this regulation being disregarded), are penalty shifts for the purpose of this regulation.

"(8.) For the purposes of the last preceding sub-regulation, where the number of shifts that an officer is rostered to work is not divisible by three without remainder, the number of shifts equal to one-third of the number of shifts that the officer is rostered to work shall be ascertained by dividing that first-mentioned number of shifts by three and excluding the remainder.

"(9.) In determining whether a sequence of consecutive ordinary shifts exceeds five in number, a day that is a rest day occurring during the sequence shall be disregarded and the shift on the day immediately before the rest day and the shift on the day immediately following the rest day shall be deemed to be consecutive shifts.

"(10.) An allowance is payable to an officer in respect of a shift that is a penalty shift for the purposes of this regulation—

- a) if the officer is rostered to work, and works, on that shift;
- b) if the officer is rostered to work, but does not work, on that shift because he is absent from work—
  - (i) on recreation leave or special leave;
  - (ii) on a day off in lieu of a holiday; or
  - (iii) on sick leave on full pay or half pay, not being sick leave occurring in a period of twelve months, being a period of twelve months' service for the purpose of entitlement to sick

leave, after the officer has been absent on sick leave in that period for a period, or for periods aggregating a period, of not less than four weeks; or

(c) if the officer is rostered to work, but does not work, on that shift because the shift occurs on a holiday.

"(11.) Where an allowance is payable to an officer in respect of a shift under the last preceding sub-regulation and the officer is absent from work for that shift on sick leave on half pay, the allowance is payable to the officer in respect of that shift at one-half of the rate at which it would otherwise be payable to the officer.

"(12.) Subject to the last preceding sub-regulation, the rate at which an allowance is payable to an officer under sub-regulation (10.) of this regulation in respect of a penalty shift on a roster applicable to the officer is a rate per year equal to—

- (a) if the number of night shifts that the officer is rostered to work is not less than one-quarter of the number of shifts that the officer is rostered to work—twenty per centum of the rate per year at which salary is payable to the officer;
- (b) if the number of night shifts that the officer is rostered to work is less than one-quarter, but not less than one-eighth, of the number of shifts that the officer is rostered to work—fifteen per centum of the rate per year at which salary is payable to the officer; or
- (c) in any other case—ten per centum of the rate per year at which salary is payable to the officer."

(2.) Where an officer or employee to whom regulation 34 of the High Commissioner (Staff) Regulations applied was rostered to perform duty on shift at any time during the period from and including the twenty-second day of March, 1971, to and including the day immediately preceding the date of commencement of these Regulations and the amount of the allowance that would have been payable to him under that regulation in respect of his service during that period if the last preceding sub-regulation had come into operation on the first-mentioned date exceeds the amount of the allowance paid or payable to him under regulation 34 of the High Commissioner (Staff) Regulations as in force before the commencement of these Regulations in respect of his service during that period, the officer or employee is entitled to be paid an amount equal to the excess

2.—(1.) Regulation 35 of the High Commissioner (Staff) Regulations is amended by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—

Traveling allowance.

"(1.) Subject to the succeeding sub-regulations of this regulation, where an officer or employee is required to travel on duty in the United Kingdom, or to attend for duty at a place in the United Kingdom other than his normal place of duty, the officer or employee is entitled to be paid an allowance, called 'travelling allowance', at the rate of Seven pounds per day."

(2.) Travelling allowance is payable in accordance with regulation 35 of the High Commissioner (Staff) Regulations as amended by the last preceding sub-regulation in respect of travel on or after the first day of February, 1972.

3. Regulation 36 of the High Commissioner (Staff) Regulations is repealed. Fares.

4.—(1.) Regulation 40 of the High Commissioner (Staff) Regulations is amended by omitting from sub-regulation (1.) the words "Sixty-seven and a half new pence" and inserting in their stead the words "Eighty-three new pence". Meal allowance.

(2.) Meal allowance is payable in accordance with regulation 40 of the High Commissioner (Staff) Regulations as amended by the last preceding sub-regulation in respect of a meal on or after the twenty-fourth day of January, 1972.