STATUTORY RULES
1970 No. 124

REGULATIONS UNDER THE COMMONWEALTH EMPLOYEES' FURLough ACT 1943-1968.*

I, 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 Commonwealth Employees' Furlough Act 1943-1968.

Dated this first day of September, 1970.

Paul Hasluck
Governor-General.

By His Excellency's Command,

Sgd. "Andrew Peacock"

Minister of State for the Army for and on behalf of the Prime Minister.

AMENDMENTS OF THE COMMONWEALTH EMPLOYEES' FURLough REGULATIONS†

1. Regulation 4 of the Commonwealth Employees' Furlough Regulations is amended—

(a) by omitting from paragraph (e) of sub-regulation (1.) the word "and";
(b) by adding at the end of sub-regulation (1.) the following paragraphs:
"(g) an allowance payable under regulation 94A of the Public Service Regulations; and
"(h) subject to the next succeeding sub-regulation, an allowance payable under clause 1 of Determination No. 13 of 1930 made by the Public Service Arbiter, as varied by subsequent Determinations, to telephonists employed in the operation of the overseas radio telephone service."; and
(c) by inserting after sub-regulation (1.) the following sub-regulation:
"(1A.) The conditions subject to which payments to a person in accordance with the Act are to include amounts payable by way of the allowance referred to in paragraph (h) of the last preceding sub-regulation are that the person has received the allowance for not less than two-thirds of his working time in the twelve months immediately preceding the date upon which his furlough commences or payment is made in lieu of furlough, as the case may be."

* Notified in the Commonwealth Gazette on 1970, No. 100, No. 100; 1968, No. 74; and 1969, Nos. 184 and 195.
† 15541/70—Price 8c

10/30.7.1970
2. After regulation 4a of the Commonwealth Employees’ Furlough Regulations the following regulations are inserted:

" 4a.—(1.) For the purposes of the Act, salary includes an allowance (in this regulation called ‘higher duties allowance’) payable to a person in respect of the performance of the duties of an office having a higher classification than his own.

(2.) The condition subject to which payments to a person in accordance with the Act are to include amounts in respect of higher duties allowance is that the person has performed, or would, but for his absence on authorized leave, have performed the duties of an office having a higher classification than his own for a continuous period of not less than one year immediately preceding the date upon which his furlough commences or payment is made in lieu of furlough, as the case may be.

(3.) Where a person was paid salary otherwise than by way of uniform amounts in respect of uniform periods by reason of the fact that, during the continuous period of one year immediately preceding the date on which his furlough commences or payment is made in lieu of furlough, as the case may be, he performed, or would, but for his absence on authorized leave, have performed, the duties of more than one office each of which has a higher classification than his own for successive periods which were continuous one with the other but in relation to which higher duties allowance at different rates was payable, an amount equal to the sum of the following amounts is to be the annual salary, for the purposes of the Act, of the person:

(a) an amount equal to the annual salary of the person excluding any allowances that are to be included in his annual salary by virtue of these Regulations;

(b) an amount in respect of higher duties allowance equal to the amount of higher duties allowance that he would have received during a period of twelve months if he had performed the duties of whichever of those offices having a higher classification than his own has the lowest classification for that period of twelve months; and

(c) an amount equal to the sum of the annual amounts payable to the person in respect of each other allowance that is to be included in the salary of the person by virtue of these Regulations.

" 4c.—(1.) For the purposes of the Act, salary includes the allowance, known as ‘proficiency allowance’, payable to persons employed under the Snowy Mountains Hydro-electric Power Act 1949-1966.

(2.) The condition subject to which payments to a person in accordance with the Act are to include amounts in respect of proficiency allowance is that the person was in receipt of that allowance immediately before his furlough commences or payment is made in lieu of furlough, as the case may be.

(3.) Where a person is paid salary otherwise than by way of uniform amounts in respect of uniform periods by reason of the fact that he is not paid proficiency allowance at a uniform rate, an amount equal to the sum of the following amounts is to be the annual salary, for the purposes of the Act, of the person:

(a) an amount equal to the annual salary of the person excluding any allowances that are to be included in his annual salary by virtue of these Regulations;

(b) an amount, in respect of proficiency allowance, equal to the amount of proficiency allowance that would be payable to the person in a year if he were entitled to be paid that allowance throughout the
Commonwealth Employees' Furlough Regulations

year at the rate at which it is payable to him immediately before he commences furlough or payment is made in lieu of furlough as the case may be; and

(c) an amount equal to the sum of the annual amounts payable to the person in respect of each other allowance that is to be included in the salary of the person by virtue of these Regulations.

"4D.—(1.) For the purpose of sub-section (1.) of section 7 and sub-section (1.) of section 8 of the Act, salary includes an allowance (in this regulation called 'district allowance') payable to a person by reason of the fact that he is required to perform his duties in a particular district in Australia or in a Territory of the Commonwealth.

"(2.) The condition subject to which payments to a person in accordance with the provisions of the Act referred to in the last preceding sub-regulation are to include amounts in respect of district allowance is that the person remains in the district in respect of which the allowance is payable during the period of his furlough or, if the person is a married person, his family remain in that district during any part of the period of his furlough during which he is absent from that district.

"(3.) Where—

(a) the salary of a person for the purpose of a provision of the Act referred to in sub-regulation (1.) of this regulation includes, by virtue of that sub-regulation, a district allowance in relation to a particular district;

(b) provision is made for that allowance to be payable at a particular rate, or in accordance with a particular scale of rates, in the case of persons—

(i) who are stationed at, or required to perform duty at, and to reside in, an established camp in the district; or

(ii) who are required, as members, whether regular or otherwise, of a camping party, to camp in the district elsewhere than at an established camp,

and at another rate, or in accordance with another scale of rates, in the case of other persons who are stationed at, and reside in, the district; and

(c) the person is in receipt of that allowance at the rate, or in accordance with the scale of rates, applicable in the case of persons referred to in sub-paragraph (i) or (ii) of the last preceding paragraph, that allowance is included in the salary of the person to the extent only that it would be included if he were stationed at, and residing in, the district but was not residing in an established camp in the district, or camping, as a member of a camping party, in the district elsewhere than at an established camp, as the case may be.".

Printed by Authority by the Government Printer of the Commonwealth of Australia.