

STATUTORY RULES.

1952. No. 86.

REGULATIONS UNDER THE AIR FORCE ACT 1923-1952.*

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 *Air Force Act* 1923-1952.

Dated this eighteenth day of September, 1952.

W. J. McKELL
Governor-General.

By His Excellency's Command,

WILLIAM McMAHON
Minister of State for Air.

AMENDMENTS OF THE AIR FORCE REGULATIONS.†

1. Regulation 2 of the Air Force Regulations is amended by omitting *Parts*, the words and figures—

“PART V.—Leave of Absence—Regulations 120-152.”
and inserting in their stead the words and figures—

“PART V.—Leave of Absence (other than Leave of Absence for Long Service)—Regulations 120-148.

“PART VA.—Leave of Absence for Long Service—Regulations 149-152D.”.

2. The heading immediately preceding regulation 120 of the Air Force Regulations is repealed and the following heading inserted in its stead:—

“PART V.—LEAVE OF ABSENCE (OTHER THAN LEAVE OF ABSENCE FOR LONG SERVICE).”.

3. Regulation 120 of the Air Force Regulations is amended by inserting in sub-regulation (1.), after the words “leave of absence”, the words “for recreation”. Leave of absence for recreation.

* Notified in the *Commonwealth Gazette* on 19th September, 1952.

† Statutory Rules 1927, No. 161, as amended to date. For previous amendments of the Air Force Regulations see footnote † to Statutory Rules 1952, No. 14 and see also Statutory Rules 1952, Nos. 34 and 49—Ninety-sixth amendment.

3752.—PRICE 8D.

4. After regulation 120A of the Air Force Regulations the following regulation is inserted:—

Recreation leave not to be granted in the year in which long service leave is granted.

“120B.—(1.) Where, during the period of twelve months commencing on the first day of July in any year, a member of the Permanent Air Force is granted leave of absence for long service under the next succeeding Part or payment to a member of the Permanent Air Force or to his dependants of a sum of money in lieu of leave for long service is authorized under that Part and, at the date of commencement of the leave of absence for long service, or, in the case where payment of the sum of money in lieu of leave for long service is authorized, at the date of the retirement or death, as the case requires, of the member, the member has not been granted leave of absence for recreation under this Part during and in respect of that period of twelve months, the member shall not be or shall not be deemed to have been entitled to leave of absence for recreation during and in respect of that period of twelve months.

“(2.) The last preceding sub-regulation does not apply where the Air Board—

- (a) grants long service leave to a member immediately before his retirement on or after he attains the age for retirement; or
- (b) authorizes payment of a sum in lieu of leave of absence for long service in respect of the period of service of a member who retires or dies, as the case may be, on or after he attains the age for retirement.”.

Where leave should be carried forward.

5. Regulation 121 of the Air Force Regulations is amended by omitting the words “the last preceding regulation” and inserting in their stead the word and figures “regulation 120”.

6. Regulations 149, 150, 151, 152 and 152A of the Air Force Regulations are repealed and the following Part inserted in their stead:—

“PART VA.—LEAVE OF ABSENCE FOR LONG SERVICE.

Long service leave.

“149.—(1.) The Air Board may grant to a member of the Permanent Air Force whose period of service is at least twenty years, leave of absence for long service for a period not exceeding three-tenths of one month on full pay or three-fifths of one month on half pay in respect of each completed year of his period of service.

“(2.) A member of the Permanent Air Force shall not be granted leave of absence under the last preceding sub-regulation for a continuous period exceeding twelve months at any one time or leave of absence which is in respect of a period of service in excess of forty years.

“(3.) The Air Board may, upon the retirement from the Permanent Air Force of a member whose period of service is at least twenty years, authorize payment to him of a sum not exceeding the amount of pay, calculated at the rate payable at the date of his retirement, which the member would have received if he had been granted leave of absence for the period for which he was eligible under the preceding provisions of this regulation and that leave of absence had commenced on the date of his retirement.

"(4.) The Air Board may, upon the death of a member of the Permanent Air Force whose period of service is at least twenty years authorize payment to the dependants of the member of a sum equivalent to the sum which would have been paid to the member under the last preceding sub-regulation if the member had been retired from the Permanent Air Force on the day of his death.

"150.—(1.) The Air Board may, immediately before the retirement of a member of the Permanent Air Force who has attained the prescribed age for retirement, but whose period of service is less than twenty years, grant to the member leave of absence on full pay for a period not exceeding the period specified in the second column of the table in this sub-regulation opposite to the group of years, specified in the first column of that table, in which his period of service is included. Proportionate long service leave.

Group of Years.					Leave of Absence.
16 years and less than 20 years	..	..	..	..	5 months
12 years and less than 16 years	..	..	..	..	4 months
8 years and less than 12 years	..	..	..	..	3 months

"(2.) The Air Board may, upon the retirement of a member of the Permanent Air Force, who has attained the prescribed age for retirement, but whose period of service is less than twenty years, authorize payment to the member of a sum not exceeding the amount of pay, calculated at the rate payable at the date of his retirement, which the member would have received if he had been granted leave of absence on full pay for the period for which he was eligible under the last preceding sub-regulation and that leave of absence had commenced on the date of his retirement.

"(3.) The Air Board may, upon the retirement of a member of the Permanent Air Force—

- (a) whose period of service is less than twenty years; and
- (b) who produces to the Air Board satisfactory evidence that his retirement is due to medical unfitness and that unfitness is permanent and is not due to misconduct or causes within his own control,

authorize payment to him of a sum not exceeding the amount of pay, calculated at the rate payable at the date of his retirement, which the member would have received if he had been granted leave of absence on full pay for a period not exceeding the period specified in the second column of the table in this sub-regulation opposite to the group of years, specified in the first column of that table, in which his period of service is included.

Group of Years.					Leave of Absence.
16 years and less than 20 years	..	..	..	..	5 months
12 years and less than 16 years	..	..	..	..	4 months
8 years and less than 12 years	..	..	..	..	3 months
4 years and less than 8 years ..	..	..	..	..	2 months

“(4.) The Air Board may, upon the death of a member, authorize payment to the dependants of the member of a sum equivalent to the sum which would have been payable to the member under the last preceding sub-regulation if he had retired on the grounds of medical unfitness which was not due to misconduct or causes within his own control on the day of his death.

“(5.) The last two preceding sub-regulations do not operate so as to give the Air Board power to authorize payment of a sum to a member whose period of service is less than eight years on the day on which he retires or the day on which he dies, as the case may be, unless the period of service of the member would have been eight years if he had served continuously until the expiry of his then current commission or engagement in the Permanent Air Force or until he had attained the age for retirement, whichever would have first occurred.

Payment of
long service
leave pay to
dependants.

“151.—(1.) Where the Air Board has authorized the payment of a sum of money under sub-regulation (4.) of regulation 149 or under sub-regulation (4.) of regulation 150 to the dependants of a member, the sum may be paid—

- (a) if there is one dependant—to that dependant; or
- (b) if there are two or more dependants—to those dependants in such proportions as the Minister directs.

“(2.) Where the Air Board has authorized the payment of a sum of money under one of the sub-regulations referred to in the last preceding sub-regulation and a dependant to whom the whole or a part of that sum is payable is under the age of twenty-one years or, for any other reason, is incapable of acting on his own behalf, the sum so payable to that dependant may be paid—

- (a) on behalf of that dependant, to a person approved by the Minister; or
- (b) may be vested in trustees upon such trusts for the benefit of that dependant as the Minister directs.

Reduction in
long service
leave on
account of
other leave.

“152.—(1.) The period for which leave of absence for long service may be granted to a member or the period in respect of which a payment to a member or his dependants may be authorized under regulation 149 or regulation 150 shall be reduced—

- (a) by the period for which the member has been granted leave of absence for recreation (including such additional days for week-end leave during the period of leave for recreation as the Air Board determines) during and in respect of the period of twelve months commencing on the first day of July immediately preceding the day on which the member commences leave of absence for long service, the day on which he retires or the day on which he dies, as the case requires; and
- (b) any period of leave of absence for long service (being in respect of any service included in his period of service) previously granted to the member or any period in respect of which a payment in lieu of leave of absence for long service was authorized to a member of the Permanent Air Force under regulation 149 or regulation 150 or under

another law of the Commonwealth, a State or Territory of the Commonwealth providing for the granting of leave of absence for long service or for payment in lieu of leave of absence for long service.

“(2.) Paragraph (a) of the last preceding regulation does not apply where—

- (a) the Air Board grants leave of absence to a member immediately prior to his retirement on or subsequent to his attaining the age for retirement; or
- (b) the Air Board authorizes payment of a sum in respect of the period of service of a member who retires or dies, as the case may be, on or after he attains the age for retirement.

“(3.) The total period by which a member's leave of absence for long service or the period in respect of which a payment to a member or his dependants may be authorized may be reduced under paragraph (a) of sub-regulation (1.) shall not, during the period of service of a member, exceed the period of leave for recreation which may be granted to him under Part V. in respect of one year of service.

“152A. The Air Board shall take into consideration the official conduct record of a member in determining whether the whole or any portion of leave of absence for long service or payment of an amount may be granted or authorized under regulation 149 or regulation 150.

Conduct of member to be taken into account.

“152B.—(1.) For the purposes of regulations 149 and 150, but subject to this regulation, ‘pay’, in relation to a member, means active pay and, subject to this regulation, includes—

Meaning of the term “pay” in regulations 149 and 150.

- (a) deferred pay;
- (b) flying instructional pay;
- (c) marriage allowance;
- (d) provision allowance;
- (e) living out allowance;
- (f) the allowance payable under regulation 556c;
- (g) district allowance;
- (h) uniform allowance; and
- (i) non-reduction allowance payable under regulation 30 of Statutory Rules 1948, No. 67.

“(2.) Deferred pay shall not be included in the pay of a member where—

- (a) the member was not entitled to a credit of deferred pay in respect of the day on which he retires, the day on which he dies or the day immediately preceding the day on which he commences leave of absence for long service, as the case requires; or
- (b) a pension or benefit is payable on his retirement or death under the *Defence Forces Retirement Benefits Act* 1948-1951.

“(3.) An allowance specified in paragraph (b), (f), (h) or (i) of sub-regulation (1.) of this regulation shall not be included in the pay of a member unless the member is entitled to receive payment of the allowance on the day on which he retires, the day on which he dies or the day immediately preceding the day on which he commences leave of absence for long service, as the case requires.

“(4.) Marriage allowance shall not be included in the pay of a member unless the member is entitled to receive that allowance on the day on which he retires, the day on which he dies, or the day immediately preceding the day on which he commences leave of absence for long service, as the case requires.

“(5.) Provision allowance or living out allowance, as the case may be, shall be included in the pay of a member at the rate at which the member would have been entitled had he, on the day on which he retired, the day on which he died or the day immediately preceding the day on which he commenced leave of absence for long service, been living out at home for a period of more than 30 days.

“(6.) District allowance shall not be included in the pay of a member unless—

- (a) the member is entitled to receive payment of that allowance on the day immediately preceding the day on which he commences leave of absence on account of long service; and
- (b) the member, or, in the case of a member entitled to receive payment of marriage allowance, his family remain, during the period of leave, in residence in the district in respect of which the district allowance is payable.

“(7.) Subject to the next succeeding sub-regulation, the pay and allowances of a member who is granted temporary or acting rank shall, for the purposes of regulations 149 and 150, be deemed to be the pay and allowances for the substantive rank which he holds.

“(8.) Where—

- (a) a member holds a temporary rank or an acting rank on the day on which he retires, the day on which he dies or the day immediately preceding the day on which he commences leave of absence for long service, as the case requires, and the member has held the same rank or an equally paid or higher paid rank than that temporary or acting rank continuously during the period of twelve months, or for periods totalling three years during the period of five years immediately preceding the day on which he retires, the day on which he dies or the day on which he commences leave of absence for long service, as the case requires; and
- (b) the member is granted leave of absence for long service which will expire on the day upon which the member will be retired from the Permanent Air Force or payment of an amount is authorized under regulation 149 or regulation 150, on his retirement, to him or on his death, to his dependants,

the pay and allowances of the member in respect of that temporary or acting rank shall, for the purposes of regulations 149 and 150, be the pay of a member who holds the same substantive rank as that temporary rank or acting rank.

Meaning of
“period of
service” for
this part.

“152c.—(1.) For the purposes of regulations 149 and 150, but subject to this regulation, the period of service of a member of the Permanent Air Force is the period for which the member has been

employed continuously in the Permanent Air Force and where, immediately before becoming a member of the Permanent Air Force, that member was continuously employed in—

- (a) the service of the Commonwealth (including full-time service in the Naval, Military or Air Forces);
- (b) the service of an authority of the Commonwealth;
- (c) the service of a State;
- (d) the service of an authority of a State; or
- (e) the Public Service of a Territory of the Commonwealth,

the period for which the member was so employed shall be deemed to be a period of continuous employment in the Permanent Air Force.

“(2.) Where, before becoming a member of the Permanent Air Force, a member was employed continuously in more than one of the services specified in paragraphs (a), (b), (c), (d) and (e) of the last preceding sub-regulation, and the periods for which he was so employed were continuous with one another and with his service in the Permanent Air Force, each of those periods shall, subject to the next succeeding sub-regulation, be deemed to have been a period of continuous employment in the Permanent Air Force.

“(3.) Where a period of employment of a member of the Permanent Air Force in one of the services specified in paragraphs (a), (b), (c), (d) or (e) of sub-regulation (1.) of this regulation was terminated on the grounds of unsatisfactory service, that period of employment and the periods (if any) for which the member was previously employed in any of those services shall not be deemed to be periods of continuous employment in the Permanent Air Force.

“(4.) For the purposes of this regulation, the period of service of a member does not include a period of employment—

- (a) as a part-time employee;
- (b) in an honorary capacity only;
- (c) remunerated by fees, allowances, or commissions only; or
- (d) in respect of which leave of absence for furlough or for long service on retirement on or subsequent to attaining the age prescribed for retirement has been granted, or payment made, to the member under—
 - (i) regulation 149 or 150;
 - (ii) the *Commonwealth Employees' Furlough Act 1943-1951*;
 - (iii) the *Public Service Act 1922-1951*; or
 - (iv) any other law of the Commonwealth or a law of a State or of a Territory of the Commonwealth which provides for the granting of leave of absence for long service or for the making of a similar payment.

“(5.) For the purposes of this regulation, the continuity of the service of a member shall not be deemed to be, or to have been, broken by—

- (a) a period or periods of absence during which a member pursues, or has pursued, a course of study under the Commonwealth Reconstruction Training Scheme; or

(b) any other period or periods of absence (including a period or periods when the member was not employed, or was employed as a part-time employee only or in an honorary capacity only or remunerated by fees, allowances or commissions only, by a service referred to in paragraph (a), (b), (c), (d) or (e) of sub-regulation (1.) of this regulation) unless—

(i) a period of absence, or the sum of two periods of absence separated only by a period during which he pursues, or has pursued, a course of study under the Commonwealth Reconstruction Training Scheme exceeds or has exceeded twelve months; or

(ii) the number of days included in the period or periods of absence exceed in the aggregate one-seventh of the number of days occurring after the commencement of the first period of employment which, under sub-regulations (1.), (2.), (3.) and (4.) of this regulation, may be included in the period of his service, or, if the member pursued a course of study under the Commonwealth Reconstruction Training Scheme, one-seventh of the difference between that number of days and the number of days included in a period or periods of absence during which he pursued that course of study,

but any such period or periods of absence shall not for the purposes of this regulation, be included in the period of service of the member.

“(6.) For the purposes of sub-regulation (5.) of this regulation, a member shall not be deemed to be absent by reason of his being—

(a) on leave of absence with pay or with part pay; or

(b) on leave of absence without pay where the leave of absence is granted—

(i) on account of illness;

(ii) in pursuance of any section of the *Public Service Act 1922-1951* under which a period of absence has been, or is allowed to be, included as service for the purposes of that Act; or

(iii) in pursuance of the provisions of sub-regulation (3.) of regulation 128.

Definitions.

“152n. In this Part—

‘age for retirement’ means the age for the compulsory retirement of a member specified in relation to his substantive rank in sub-regulation (1.) of regulation 88 or sub-regulation (1.) of regulation 118, as the case requires;

‘authority of a State’ means a public authority constituted under the law of a State for the purpose of discharging, subject to the direction or control of the Minister of State for the State, functions which are within the province of the State Government but does not include a local governing body;

'death' includes the presumed death of a member where the Air Board directs that the death of the member be presumed."

7.—(1.) Notwithstanding anything contained in regulation 151 of the Air Force Regulations as in force immediately before the commencement of these Regulations, the pay of a member of the Permanent Air Force—

Retrospective
operation of
definition of
"pay".

- (a) who, during the period commencing on the first day of July, 1947 and ending on the date of commencement of these Regulations, was absent on leave of absence under regulation 149 or regulation 150 of those first-mentioned Regulations; or
- (b) to whom or to whose dependants payment of a sum of money in lieu of leave of absence for long service was authorized under those Regulations in respect of the retirement or death of the member occurring during that period,

shall be deemed to have been the pay which would have been payable to or in respect of the member if regulation 151 of the Air Force Regulations as in force before the commencement of these Regulations had been repealed on the first day of July, 1947, and regulation 152B, as inserted in the Air Force Regulations by the last preceding regulation, had come into operation on that day.

(2.) In the application of the last preceding sub-regulation during the period which commenced on the first day of July, 1947, and ended on the first day of July, 1948, paragraph (b) of sub-regulation (2.) of regulation 152B, as inserted in the Air Force Regulations by the last preceding regulation, shall be deemed to have applied as if the words "the *Superannuation Act 1922-1947*" had been substituted for the words "the *Defence Forces Retirement Benefits Act 1948-1951*".