

# STATUTORY RULES.

1939. No. 6.

## REGULATIONS UNDER THE SCIENCE AND INDUSTRY RESEARCH ACT 1920-1937.\*

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 *Science and Industry Research Act 1920-1937*.

Dated this

*Eight*

day of

*March*

, 1939.

*S. G. G. G.*

Governor-General.

By His Excellency's Command,

*H. G. C.*

for Prime Minister.

### AMENDMENT OF THE SCIENCE AND INDUSTRY RESEARCH REGULATIONS.†

1. After regulation 7 of the Science and Industry Research Regulations, the following regulations are added:—

“8.—(1.) Any officer who has attained the age of sixty years shall, if he so desires, be entitled to retire from the service of the Council, but any such officer may (unless retired as hereinafter provided) continue in that service until he attains the age of sixty-five years. Retirement of officers.

(2.) If any officer continues in the service of the Council after he has attained the age of sixty years, he may, at any time before he attains the age of sixty-five years, be retired by the Council with the approval of the Minister.

“9. Where an officer has attained the age of sixty-five years and, in the opinion of the Council, it is desirable that the officer should, in the interests of the Council, continue in the performance of the duties of his office, and the officer is able and willing to do so, the Council may, with the approval of the Minister, direct the officer to continue in his office for a fixed time not exceeding twelve months, otherwise every officer on attaining sixty-five years of age shall retire from the service of the Council. Retention of officers after 65 years of age.

“10.—(1.) A female officer shall be deemed to have retired from the service of the Council upon her marriage, unless the Minister, upon a recommendation by the Council, certifies that there are special circumstances which make her employment desirable. Retirement of female officers on marriage.

\*Notified in the *Commonwealth Gazette* on 1939.

†Statutory Rules 1926, No. 125, as amended by Statutory Rules, 1927, Nos. 38 and 57; 1934, No. 41; 1936, No. 13; 1937, No. 3; and 1938, No. 14.

122.—G/15.2.1939.—PRICE 5D.

(2.) There shall be payable to any female officer whose period of service is not less than five years who retires from the service of the Council upon her marriage and who is not eligible for, or has not been granted, leave or pay in lieu of leave under regulation 11 or 12 of these Regulations a sum equivalent to salary in accordance with the following scale:—

Length of Service.	Sum equivalent to salary for—
Not less than five years but less than eight years .. ..	One month
Not less than eight years but less than twelve years .. ..	Two months
Not less than twelve years but less than twenty years .. ..	Three months

“11.—(1.) When an officer has continued in the service of the Council for at least twenty years, the Council may grant to him leave of absence for a period not exceeding one month and a half on full salary or three months on half salary, in respect of each completed five years of continuous service: Furlough.

Provided that an officer shall not be granted leave of absence to exceed a continuous period of twelve months at any one time.

(2.) When an officer who has continued in the service of the Council for at least twenty years is retired from the service, the Council may authorize payment to him upon retirement of a sum equivalent to the salary for a period of leave not exceeding that which the officer could have been granted under the last preceding sub-regulation.

(3.) Upon the death of any officer who, at the date of his death, was eligible under this regulation for the grant of leave of absence, or if the Council, after consideration of all the circumstances, directs that the death of an officer so eligible be presumed, the Council may authorize payment to the dependants of the officer of a sum equivalent to the amount of salary for the period of leave which the Council could, under this regulation, have granted to the officer had he retired—

- (a) immediately prior to the date of his death; or
- (b) in any case where the Council has directed that the death of the officer be presumed, at a date determined by the Council.

(4.) Notwithstanding anything contained in this regulation—

- (a) there shall not be granted under this regulation, in respect of the service of any officer, leave of absence or pay on retirement or death exceeding in the whole twelve months on full salary or its equivalent;
- (b) except upon the retirement of an officer under regulation 8 or 9 of these Regulations, leave of absence for recreation shall not be granted in respect of the year in which leave of absence granted under this regulation commences and, if leave of absence for recreation has been granted in the year in which leave of absence granted under this regulation commences, it shall be regarded as part of the period of leave of absence granted under this regulation;

Provided that the total period of leave of absence for recreation which may, under this sub-regulation, be withheld, or regarded as part of the period of leave of absence granted under this regulation, during any officer's period of service, shall not exceed the period of leave of absence for recreation which may be granted in respect of one year of service; and

- (c) the official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided under this regulation may be granted.

"12.—(1.) The Council may grant to any officer whose period of service is less than twenty years, immediately prior to his retirement from the service of the Council under regulation 8 or 9 of these Regulations, leave of absence on full salary for a period not exceeding that appropriate to his service in accordance with the following scale:—

Extended leave or pay in lieu to officers not eligible for furlough.

Period of Service.	Leave.
Sixteen years or more, but less than twenty years .. ..	Five months
Twelve years or more, but less than sixteen years .. ..	Four months
Eight years or more, but less than twelve years .. ..	Three months
Four years or more, but less than eight years .. ..	Two months

(2.) In lieu of leave in accordance with the last preceding sub-regulation, the Council may authorize payment to an officer eligible for leave in pursuance of that sub-regulation, upon his retirement from the service of the Council, of a sum equivalent to the salary for a period of leave not exceeding that which the officer could have been granted under that sub-regulation.

(3.) Where an officer who is less than sixty years of age retires from the service of the Council after less than twenty years' service, and produces to the Council satisfactory evidence that his retirement is due to ill-health and that such ill-health is permanent, and is not due to misconduct or to causes within his own control, the Council may authorize payment to the officer of a sum equivalent to the salary for a period of leave not exceeding that for which, had he attained the age of sixty years, he would have been eligible under sub-regulation (1.) of this regulation.

(4.) Where before an officer has completed twenty years' service and either before or after he has attained the age of sixty years—

- (a) the officer dies; or  
 (b) the Council, after consideration of all the circumstances, directs that the death of the officer be presumed,

the Council may authorize payment to the dependants of the officer of a sum equivalent to the amount of salary for the period of leave which the Council could have granted to the officer under sub-regulation (1.) of this regulation, if he had been eligible for leave of absence under that sub-regulation, at the date of his death, or, in any case where the Council has directed that the death of an officer be presumed, at a date determined by the Council.

(5.) In the event of the retrenchment of an officer by reason of the fact that his position has been declared redundant by the Council, and if such retrenchment is effected before he has completed twenty years' service and either before or after he has attained the age of sixty years, the Council may authorize payment to the officer of a sum equivalent to the salary for a period of leave not exceeding that which, had he attained the age of sixty years, the Council could have granted to him under sub-regulation (1.) of this regulation.

(6.) The official conduct record of an officer shall be taken into consideration by the Council in determining whether the whole or any portion of the leave of absence or pay provided under this regulation may be granted.

"13. For the purposes of regulations 8, 9, 10, 11 and 12 of these Regulations—

Meaning of  
'officer' and  
'salary' in  
regulations  
8-12.

'officer' means an officer who is deemed to be an employee within the meaning of section 4 of the *Superannuation Act 1922-1937*;

'salary' includes—

- (a) Allowance payable to an officer who is in receipt of salary less than £500 per annum in respect of a child or children under the age of fourteen years;
- (b) District Allowance in any case where during furlough an officer remains in the district in respect of which the allowance is payable, or in the case of a married officer, his family, during his absence from the district, remains in that district;
- (c) A fixed annual allowance paid to an officer for the performance of duties additional to those of his or her classified office;
- (d) Allowance paid to an officer in respect of residence in Canberra, in such cases and to such extent as is determined by the Council;
- (e) Any other fixed annual allowance which, by reason of special circumstances, should, in the opinion of the Minister, be included.

"14.—(1.) Where the service of an officer under the Council is continuous with service under—

Certain prior  
service may be  
reckoned as  
service with  
Council.

- (a) the Advisory Council of Science and Industry; or
- (b) the Institute of Science and Industry;

or with service as an officer of—

- (a) the Public, Railway or other Service of a State or Territory;
- (b) the Commonwealth Railways Service;
- (c) the civilian staff of the Department of Defence;
- (d) the Naval, Military or Air Forces of the Commonwealth;
- (e) the Repatriation Department;
- (f) the War Service Homes Commissioner; or
- (g) the High Commissioner of the Commonwealth in the United Kingdom,

the continuous service of that officer in any Service specified in this sub-section shall be reckoned for the purposes of regulations 11 and 12 of these Regulations as service as an officer of the Council.

(2.) Where an officer to whom this regulation applies has been engaged in two or more of the Services specified in the last preceding sub-regulation and the periods during which he was so engaged were continuous with one another, those periods of service shall be deemed to be continuous service for the purposes of this regulation.

(3.) Where an officer to whom this regulation applies has been granted furlough, 'long leave', or pay in lieu thereof, during or by virtue of his service in any of the Services specified in sub-regulation (1.) of this regulation, such leave or pay shall be taken into account in determining his eligibility for leave of absence or pay in lieu thereof under regulation 11 or 12 of these Regulations, so that the leave of absence or pay in lieu thereof which may be granted under these Regulations shall not exceed the difference between the leave or pay granted in respect of his prior service and the leave or pay for which he would otherwise be eligible under regulation 11 or 12 of these Regulations.

(4.) An officer to whom this regulation applies shall not be eligible for leave of absence or pay in lieu thereof both under regulation 11 or 12 of these Regulations and under sub-section (3.) of section 14A of the Act."

2. Regulations 10, 11, 12, 13 and 14 of the Science and Industry Research Regulations which are added thereto by the last preceding regulation shall be deemed to have taken effect as from the sixteenth day of September, One thousand nine hundred and thirty-seven and shall apply to officers in the service of the Council after that date.

Commencement  
of regulations  
10, 11, 12, 13  
and 14.

---

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.