

Australian Capital Territory

# **Public Sector Management Amendment Standard 2005 (No 9)**

**Disallowable instrument DI2005—221**

made under the

***Public Sector Management Act 1994, s 251 (Management Standards)***

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I amend the Management Standards as set out in Schedule 1 and Schedule 2.

Cheryl Anne Vardon  
Commissioner for Public Administration

30 / 09 /2005

Approved under the *Public Sector Management Act 1994, s 251 (Management Standards)*

Jon Stanhope  
Chief Minister

26 / 09 /2005

**SCHEDULE 1 TO DISALLOWABLE INSTRUMENT NO 2005-221**

<b>PROVISION OF MANAGEMENT STANDARDS</b>		
<b>Part</b>	<b>Part/Rule Description</b>	<b>AMENDMENT</b>
Standard 2	Part 1, Rule 3: Personal leave	Omit Standard 2, Part 1, Rule 3. Substitute Standard 2, Part 1, Rule 3 as set out in Schedule 2.
Standard 2	Part 1, Rule 9: Clerk of the Assembly	Omit Standard 2, Part 1, Rule 9. Substitute Standard 2, Part 1, Rule 9 as set out in Schedule 2.
Standard 3	Part 11, Rule 5: Expenses – cancellation of leave or recall to duty from leave	Omit Standard 3, Part 11, Rule 5. Substitute Standard 3, Part 11, Rule 5 as set out in Schedule 2.
Standard 3	Part 11, Rule 6: Vacation childcare program	Insert Standard 3, Part 11, Rule 6 as set out in Schedule 2.
Standard 3	Part 11, Rule 7: Family care costs	Insert Standard 3, Part 11, Rule 7 as set out in Schedule 2.
Standard 3	Part 17, Rule 1: Application	Omit Standard 3, Part 17, Rule 1. Substitute Standard 3, Part 17, Rule 1 as set out in Schedule 2.
Standard 3	Part 17, Rule 4: Grant of recreation leave	Omit Standard 3, Part 17, Rule 4. Substitute Standard 3, Part 17, Rule 4 as set out in Schedule 2.
Standard 3	Part 17, Rule 11: Recreation leave considered to have been taken	Omit Standard 3, Part 17, Rule 11. Substitute Standard 3, Part 17, Rule 11 as set out in Schedule 2.
Standard 3	Part 18, Rule 2: Interpretation	Omit Standard 3, Part 18, Rule 2. Substitute Standard 3, Part 18, Rule 2 as set out in Schedule 2.
Standard 3	Part 18, Rule 3: Credit, accrual and deduction of personal leave	Omit Standard 3, Part 18, Rule 3. Substitute Standard 3, Part 18, Rule 3 as set out in Schedule 2.
Standard 3	Part 18, Rule 4: Personal leave for bereavement purposes	Omit Standard 3, Part 18, Rule 4. Substitute Standard 3, Part 18, Rule 4 as set out in Schedule 2.
Standard 3	Part 18, Rule 6: Grant of personal leave	Omit Standard 3, Part 18, Rule 6. Substitute Standard 3, Part 18, Rule 6 as set out in Schedule 2.

Standard 3	Part 18, Rule 7: Conversion of half-pay personal leave credits to full pay	Omit Standard 3, Part 18, Rule 7. Substitute Standard 3, Part 18, Rule 7 as set out in Schedule 2.
Standard 3	Part 18, Rule 10: Temporary employees	Omit Standard 3, Part 18, Rule 10. Substitute Standard 3, Part 18, Rule 10 as set out in Schedule 2.
Standard 3	Part 21, Rule 2: Interpretation	Omit Standard 3, Part 21, Rule 2. Substitute Standard 3, Part 21, Rule 2 as set out in Schedule 2.
Standard 3	Part 21, Rule 21: Parental leave	Omit Standard 3, Part 21, Rule 21. Substitute Standard 3, Part 21, Rule 21 as set out in Schedule 2.
Standard 3	Part 21, Rule 23: Leave in special circumstances	Omit Standard 3, Part 21, Rule 23.
Standard 3	Part 21, Rule 27: Purchased leave	Insert Standard 3, Part 21, Rule 27 as set out in Schedule 2.
Standard 3	Part 21, Rule 28: Christmas Shutdown	Insert Standard 3, Part 21, Rule 28 as set out in Schedule 2.
Standard 3	Part 22: Other conditions	Insert Standard 3, Part 22 as set out in Schedule 2.

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**SCHEDULE 2 TO DISALLOWABLE INSTRUMENT N02005-221**

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Standard 2, Part 1, Rule 3

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**3. Personal and recreation leave**

**3.1 Personal leave**

A Chief Executive engaged under section 28 of the Act and an Executive engaged under section 72 of the Act is an officer for the purposes of the personal leave provisions in Standard 3. If a person, immediately before the commencement of a section 30 or 76 contract, was engaged under section 28 or 72 of the Act or as an officer, that person continues to be treated as an officer for the purposes of the personal leave provisions in Standard 3.

*Note:* This Rule, in part, provides that if an officer, Chief Executive or Executive is provided with a temporary chief executive or executive contract (under section 30 or 76 of the Act), the officer, Chief Executive or Executive continues to be treated as an officer for personal leave purposes.

A person or employee (engaged under Part 5 Division 5.7 of the Act) with less than 12 months continuous service that is engaged under section 30 or 76 of the Act is treated as a temporary employee for the purposes of personal leave as described in Standard 3 Part 18 Rule 10. This does not apply to a person who, before the commencement of a section 30 or 76 contract, was engaged under section 28 or 72 of the Act.

**3.2 Recreation leave**

Except for Standard 3, Part 17, Rule 11, the recreation leave provisions in Standard 3 Part 17 apply to a Chief Executive and Executive engaged under sections 28, 30, 72 and 76 of the Act.

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Standard 2, Part 1, Rule 9

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**9. Clerk of the Legislative Assembly**

For the purposes of section 47(1) of the Act, the leave provisions for the Clerk of the Legislative Assembly are the same as those of a Chief Executive. In accordance with section 47(2) of the Act, this excludes the remuneration and allowances payable to the Clerk in respect of his or her leave of absence.

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Standard 3, Part 11, Rule 5

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**5. Expenses - cancellation of leave or recall to duty from leave**

For the purposes of this Rule, officer includes a Chief Executive and an Executive.

If an officer's leave is cancelled without reasonable notice, or an officer is recalled to duty from leave, the relevant Chief Executive must approve reimbursement of incidental expenses which the officer cannot recover under any insurance policy or from any other source, and for travel expenses except those covered by this Part.

If a Chief Executive authorises an officer to use a motor vehicle owned or hired by the officer to return to duty on recall from leave or return to resume the residue of any leave after a temporary recall to duty from leave, the officer is entitled to be paid motor vehicle allowance in accordance with the Standards for the travel undertaken.

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Standard 3, Part 11, Rule 6

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## **6. Vacation childcare program**

### **6.1 Application**

This Rule applies to:

- a) An officer who has school aged children; or
- b) An employee engaged under Part 5 Division 5.7 of the Act that has been employed by the Territory for a period of at least 12 months and has school aged children.

This Rule does not apply where an officer's domestic partner receives a similar benefit from his or her employer.

### **6.2 Interpretation**

In this Rule, unless the contrary intention appears:

*'officer'* includes a Chief Executive and an Executive

*'accredited school holiday program'* is a program approved and/or subsidised by a State, Territory or Local Government

*'employee'* means an employee engaged under Part 5 Division 5.7 who has been employed by the Territory for a period of at least 12 months

### **6.3 Payment for vacation childcare program**

If an officer or employee applies for recreation leave, purchased leave or long service leave during school holidays, and that leave is not approved, the Chief Executive must approve payment to the officer or employee for each calendar year based on:

- a) \$20 per day towards the cost of each school child enrolled in an accredited school holiday program;
- b) up to a maximum of \$100 per child per 5 days;
- c) up to a maximum of 10 days per child per year;
- d) up to a maximum of 3 children;
- e) reimbursement on production of a receipt.

The payment will only apply on the days when the officer or employee is at work. The payment will be made regardless of the length of time the child is in the school holiday program but the payment cannot exceed the actual cost incurred.

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Standard 3, Part 11, Rule 7

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**7. Family care costs**

For the purposes of this Rule, an officer includes a Chief Executive and an Executive.

If an officer is directed to work outside his or her regular pattern of work, the Chief Executive must authorise reimbursement to the officer, on production of a receipt, for some or all of the costs of additional family care arrangements.

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Standard 3, Part 17, Rule 1

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**1. Interpretation**

In this Part, unless the contrary intention appears:

*'officer'* includes an employee

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Standard 3, Part 17, Rule 4

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**4. Grant of recreation leave**

**4.1 General**

A Chief Executive may grant paid recreation leave for a period (in the Rule called the 'relevant period') up to an officer's available credit. Subject to this Part, available credit includes credit that accrues from day to day.

Recreation leave can be granted up to an officer's available credit on full pay for the relevant period or on half pay for a period not exceeding twice the relevant period.

**4.2 Use of recreation leave**

Subject to operational requirements, a Chief Executive should approve an officer's application for recreation leave that would enable the officer to take their recreation leave in the year that it accrues.

If the Chief Executive does not approve an officer's application for recreation leave because of operational requirements, the Chief Executive will consult with the employee to determine another time (or times) for the recreation leave to be taken that is mutually convenient to both the agency and the officer.

### 4.3 Direction to take recreation leave

If the operations of an agency, or part of an agency, are suspended at Christmas or another holiday period, a Chief Executive may direct an officer to take recreation leave at a time that is convenient to the working of the agency, whether or not application for leave has been made.

A Chief Executive may direct a teacher to take available recreation leave, whether or not application for leave has been made, at a time that is convenient to the agency.

An officer in the teaching stream is considered to be on recreation leave from the day after the last day on which the officer's school is open in a calendar year unless otherwise directed by a Chief Executive. The period of recreation leave taken is to the limit of the officer's available credits. This is followed by a stand - down period up to the day before the first day on which the officer's school is open in the next calendar year.

### 4.4 Access to recreation leave while on maternity or parental leave

An officer on maternity leave or parental leave under the Standards may access recreation leave other than for the period the officer is receiving paid maternity or primary care givers' leave. This leave may be granted on full pay for the relevant period or on half pay for a period not exceeding twice the relevant period.

A period of recreation leave may be granted for the purposes of maternity or parental leave provided that it does not extend the maximum period for which maternity or parental leave would be available.

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## Standard 3, Part 17, Rule 11

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### 11. Recreation leave considered to have been taken

This Rule does not apply to a Chief Executive or an Executive.

Subject to this Rule, if an officer has not used the whole or part of a recreation leave credit that accrues two years before 1 July in any year, they are considered to have been granted recreation leave, for the period of the unused recreation leave credit on:

- a) the first day of July; or
- b) if on the first of July the officer is on leave for a period not exceeding four weeks – immediately at the end of that leave; or
- c) if on the first of July the officer is on leave for a period exceeding four weeks and they do not use the unused recreation leave credit within the period of six months immediately following the leave taken – six months after resuming duty.

A Chief Executive may defer applying the provisions of this Rule to an officer who is on a graduated return to work program ('GRTW') on 1 July of any year or on full-time compensation leave as part of the rehabilitation process under the *Commonwealth Employees' Rehabilitation and Compensation Act 1988*.

The application of this Rule may be deferred for either:

- 12 months, starting either from the time the officer commences the GRTW, or from 1 July of that year, whichever is the later; or
- 3 months from the date the officer returns to normal working hours; whichever is completed first.

If an officer on GRTW acquires an additional excess recreation leave credit during this time, the provisions of this Rule must be applied within six months.

A Chief Executive may vary, in exceptional circumstances to meet the operational requirements of an agency, the date on which recreation leave is considered to have been taken in this Rule for a defined period.

If an officer is not absent from duty during the whole or part of a period of recreation leave that is granted to the officer in accordance with this Part, and the relevant Chief Executive informs the officer that they are required in the interests of the Service to remain absent from duty for the period or part of the period, the officer must remain absent from duty.

If an officer applies in writing, a Chief Executive must grant recreation leave before the first day of July, if this would enable an officer to use all or part of a leave credit that would otherwise attract the application of this Part. If an officer consents, a Chief Executive may substitute alternative dates, having considered the operational needs of the agency.

Recreation leave credits accrued by an officer in the teaching stream in one year may not be carried over beyond the last day of December in the following year except with the approval of the Chief Executive.

A Chief Executive may only approve a carryover on grounds of the illness of the officer.

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Standard 3, Part 18, Rule 2

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## **2. Interpretation**

In this Part, unless the contrary intention appears:

*‘accrual date’* is the date on which an officer receives a credit of personal leave

*‘accrual period’* is the period during which personal leave accrues

*‘accumulative personal leave’* is personal leave that is not taken in the accrual year and carries over to the next personal leave year

*‘officer’* includes Chief Executives and Executives for the purposes of personal leave

*‘immediate family or household’* use of personal leave for carer or bereavement purposes in accordance with this Part is subject to the person being either;

- (i) a member of the employee's immediate family; or
- (ii) a member of the employee's household

The definition of immediate family includes:

- (i) a domestic partner (including former domestic partner) of the officer.
- (ii) a child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the officer or domestic partner of the officer; and
- (iii) a person related to the officer by Aboriginal and/or Torres Strait Islander kinship structures.

*'non accumulative personal leave'* is personal leave that does not carry over to the next personal leave year, regardless of whether or not personal leave is taken during the personal leave year

*'personal leave year'* is the period commencing on an officer's accrual date and ending on the day before the next accrual date

*'temporary employee'* for the purposes of personal leave means a person that Standard 3, Part 18, Rule 10 applies to.

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Standard 3, Part 18, Rule 3

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### **3. Credit, accrual and deduction of personal leave**

Subject to this Rule, an officer is entitled to receive a personal leave credit of 18 working days (accumulative personal leave) at full pay on the date of their permanent appointment and on the completion of each subsequent twelve months of continuous service.

Where an officer works part-time, the officer's personal leave credit will be based on the officer's prescribed weekly hours of duty on the accrual date multiplied by 3.6 weeks.

If an officer or temporary employee changes their normal weekly hours of duty, their personal leave will be adjusted in accordance with the following formula:

- new working hours divided by old working hours multiplied by the personal leave credit.

Absences which do not count for service totalling more than 30 calendar days defer the next accrual by 1 day for each day's absence.

If previous service with an approved organisation is recognised as service which counts towards the accrual of personal leave under the mobility provisions of the Standards, the date on which personal leave accrues can be varied to reflect a previous accrual date.

The Chief Executive may allow an officer, in the first 10 years of service, when the officer is medically unfit for duty, to anticipate 1 year's personal leave accrual where full pay credits are exhausted.

Any personal leave taken must be deducted from the officer's or temporary employee's credit.

If a person is retired from the service on grounds of invalidity, and is re-appointed as a result of action taken under the *Superannuation Act 1976* or the *Superannuation Act 1990*, they are entitled to be recredited with any unused personal leave credit held prior to the invalidity retirement.

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Standard 3, Part 18, Rule 4

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**4. Personal leave for bereavement purposes**

An officer and a temporary employee is entitled to an additional three days full paid personal leave (non-accumulative personal leave) on each occasion of a death of a member of the officer's or employee's immediate family or household. At the discretion of the Chief Executive, in addition to an officer or temporary employee's immediate family and household members, leave for bereavement purposes may be granted on the death of a foster parent, step parent, step sibling, guardian or foster child.

In addition to three days full paid personal leave, a Chief Executive may grant additional paid or unpaid personal leave to an officer or temporary employee for bereavement purposes.

Personal leave for bereavement purposes counts as service for all purposes and is not deducted from an officer's or temporary employee's personal leave credit.

If bereavement leave of at least one day is granted while the officer or temporary employee is on another type of leave, the amount equivalent to the approved bereavement leave should be recredited.

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Standard 3, Part 18, Rule 6

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**6. Grant of personal leave**

**a) Personal illness and illness of immediate family or household**

Subject to this Rule, a Chief Executive may grant personal leave for the period of the absence when an officer or temporary employee applies for personal leave:

- i) due to personal illness; or
- ii) to care for a member of the officer's or employee's immediate family or household; and

produces satisfactory medical evidence.

If a medical certificate is not produced when an officer or temporary employee applies for leave for personal illness or the illness of a member of the immediate family or household, a Chief Executive may grant personal leave for up to three consecutive working days, and for a maximum of seven working days in any accrual period.

Leave for personal illness without medical evidence in excess of three consecutive days or seven days within a twelve-month period is unauthorised and must be without pay.

A medical certificate from all medical service providers recognised by a registered health fund will be accepted for the purposes of granting personal leave under this Rule.

A Chief Executive, in special circumstances, may approve the use of personal leave at half-pay for absence of at least one week. Credits for personal leave on half-pay will be deducted at a rate of 50% per day.

Personal leave must not be granted where the absence is due to illness caused by the misconduct of the officer or temporary employee, or where there is not sufficient cause. A Chief Executive must inform the Commissioner of such circumstances, and the Commissioner may determine that the absence does not count as service for any purpose.

The maximum continuous period of paid sick leave is 52 weeks and the maximum continuous period of paid and unpaid sick leave is 78 weeks.

**b) Personal leave in special circumstances**

A Chief Executive may approve personal leave for an officer, other than for personal illness or the illness of a member of the immediate family or household, in special circumstances. Special circumstances cover extraordinary or unforeseen circumstances where it is essential that the officer have leave from the workplace. A Chief Executive may require reasonable evidence to approve personal leave in special circumstances.

The maximum period of personal leave in special circumstances is four days (non-accumulative personal leave) within a personal leave year. This leave:

- (i) is in addition to the 7 days personal leave without a medical certificate;
- (ii) must be deducted from an officer's personal leave credit; and
- (iii) does not require a medical certificate.

*Note:* while personal leave in special circumstances does not require a medical certificate, a medical certificate may be a form of reasonable evidence provided to the Chief Executive when requesting this leave.

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Standard 3, Part 18, Rule 7

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**7. Conversion of half-pay personal leave credits to full pay credits**

A Chief Executive may convert half-pay personal leave credits to full pay personal leave credits.

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**Standard 3, Part 18, Rule 10**

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**10. Temporary employees****10.1 Application**

This Rule applies to:

- a) a temporary employee with less than 12 months continuous service that is engaged under Part 5 Division 5.7 of the Act; and
- b) a person or temporary employee with less than 12 months continuous service that is engaged under section 30 or 76 of the Act.

This Rule does not apply to a person, that before the commencement of a section 30 or 76 contract, was engaged under section 28 or 72 of the Act or an officer.

**10.2 Personal leave**

During the first twelve months of continuous service, a temporary employee accrues two days of accumulative personal leave on the completion of eight weeks and four days service, plus three days non-accumulative personal leave. For each subsequent four weeks and two days service, a further 1 day accumulative personal leave accrues up to a maximum of 5 days accumulative and 3 days non-accumulative personal leave. Bereavement leave with pay is available from the first day of service. Temporary employees are not entitled to anticipate personal leave but may be granted up to an aggregate of 20 days without pay in the first twelve months.

Personal leave in special circumstances under Standard 3 Part 18 Rule 6(b) does not apply to a temporary employee in the first twelve months of service. Personal leave in special circumstances under Standard 3 Part 18 Rule 6(b) applies once the employee is entitled to accrue a personal leave credit as if they were an officer.

After twelve months of continuous service, a temporary employee is entitled to accrue a personal leave credit as if they were an officer. The credit granted after twelve months is subject to deduction of any leave previously taken (in accordance with this Rule).

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**Standard 3, Part 21, Rule 2**

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**2. Interpretation**

In this Part, unless the contrary intention appears:

*'management-initiated placement'* means employment with a Government Business Enterprise following an agreement between the management of the Government Business Enterprise and the Commissioner or relevant Chief Executive, where it would be in their mutual interests to allow an officer to be granted leave without pay for the purpose of employment with the Government Business Enterprise

*'member of the immediate family'* includes:

- i. a domestic partner (including former domestic partner) of the officer.
- ii. a child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the officer or domestic partner of the officer; and
- iii. a person related to the officer by Aboriginal and/or Torres Strait Islander kinship structures.

'officer' includes an employee but does not include a Chief Executive or Executive unless otherwise stated

'Principal Chief Executive Officer' means a person occupying an office or appointment so declared as such by regulations made for the purposes of subsection 3(4)(ra) of the *Remuneration Tribunal Act 1973* (Commonwealth)

'returned soldier' in relation to leave for returned soldiers for medical treatment and pension review, means a returned soldier, as defined in section 251(5) of the *Public Sector Management Act 1994*, suffering from:

- a disability sustained as a result of service in a theatre of war or in "war-like" operations; or
- pulmonary tuberculosis in respect of which the ex-member of the Forces is in receipt of benefits under the Veterans' Entitlement Act

'twelve months' in relation to leave for Local Government purposes, is a period of twelve months commencing on the date or the anniversary of the date the officer becomes a duly elected office holder

'year' in relation to Defence Service leave, is the period commencing on 1 July and ending on the following 30 June

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Standard 3, Part 21, Rule 21

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## **21. Parental leave**

For the purposes of this Rule an officer includes a Chief Executive and an Executive.

### **21.1 Primary care givers' leave**

Where an officer applies for this leave, a Chief Executive must grant 14 weeks paid primary care givers' leave to the officer where he or she:

- a) demonstrates that he or she is the primary care giver of a new born or adopted child;
- b) has been employed by the Territory for 12 months continuously; and
- c) is entitled to personal leave as a condition of his or her employment.

A period of paid primary care givers' leave counts as service for all purposes.

Unless the Chief Executive determines otherwise in extenuating circumstances:

- a) a new-born must not be more than 14 weeks old before the commencement of the primary care givers' leave; or

- b) in the case of an adoption, the primary care givers' leave must commence no later than 14 weeks after the officer assumes responsibility for the child.

The officer may elect to spread the 14 weeks paid leave over 28 weeks at half-pay. The whole period of primary care givers' leave counts as service for all purposes.

The Chief Executive may approve an officer taking primary care givers' leave in a non-continuous manner, provided that recreation leave or long service leave is not approved, until the officer has exhausted their paid primary care givers' leave credit.

The granting of primary care givers' leave is also subject to:

- a) an officer who is entitled to maternity leave is not entitled to primary care givers' leave;
- b) an officer may take primary care givers' leave up to a maximum of 14 weeks, provided:
  - i. section 173 of the Act is satisfied;
  - ii. this leave is not taken at the same time as any other officer is receiving paid maternity leave or paid leave under Standard 3 Part 21 Rule 20 or Standard 2 Part 1 Rule 4 in relation to the same child; and
  - iii. the officer's entitlement to paid primary care givers' leave is reduced by the amount of paid maternity leave already taken by the other officer referred to in sub-paragraph 21.1b) ii) above.

### **21.2 *Paid bonding leave***

Where an officer applies for this leave, a Chief Executive must grant an officer five days paid bonding leave at the time of the birth or adoption of a child by a domestic partner. Where the officer's domestic partner is also an officer, this leave may be taken concurrently with the domestic partner receiving paid maternity or primary care givers' leave.

A period of this leave counts as service for all purposes.

### **21.3 *Unpaid Parental leave***

A Chief Executive may grant leave without pay to an officer following the birth or adoption of a child to enable them to care for the child.

This leave may commence on the day of birth of the child, or in the case of an adopted child on the day on which the officer assumes responsibility for the child.

Parental leave does not count as service for any purpose but does not break continuity of service.

The maximum period of such leave is 40 weeks, less any period of absence granted under Part VIII of the Act. This period does not include the required period of absence described under that Part of the Act.

If an officer's domestic partner is also an officer the aggregate period of leave granted to both of them under this Rule must not exceed 66 weeks. This includes leave granted to the officer and the domestic partner under this Rule, and leave without pay granted to the officer and the domestic partner under Part VIII of the Act. This aggregate period does not include the required period of absence described under that Part of the Act.

The *Workplace Relations Act 1996* (Commonwealth) sets out minimum entitlements to parental leave. These minimum entitlements allow the child's primary carer 52 weeks to care for the child in the first year of the child's life. The 52 weeks can be shared between the parents whether employed inside or outside the ACTPS.

A teacher who has completed three years service may make an application for up to four years parenting leave in total for the first child.

An extension of up to a further three years may be granted to a teacher for each subsequent child, provided:

- that the teacher becomes unattached from the beginning of the following school year; and
- the teacher gives the prescribed notice of intention to return to duty at the end of the period of the unattachment and accepts that placement will normally be made at the beginning of a school year.

The maximum leave available under this provision is seven years.

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Standard 3, Part 21, Rule 23

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**23. Revoked**

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Standard 3, Part 21, Rule 27

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**27. Purchased leave**

For the purposes of this Rule, an officer includes a Chief Executive and an Executive.

Subject to this Rule, an officer may purchase additional leave, up to a maximum of 6 weeks. This leave is without pay and accounted for by a fortnightly deduction of salary over a twelve-month period.

A Chief Executive may approve the purchase of additional leave. In making this decision, the Chief Executive will consider the operational requirements of the Agency and the personal responsibilities of the officer.

An officer may commence participation in purchased leave arrangements from the beginning of each quarter in a year. An alternative commencement date may be allowed where:

- (i) the Chief Executive and officer agree on the alternative date; or
- (ii) if, in the opinion of the Chief Executive, the officer experiences unforeseen personal circumstances.

Leave purchased must be taken within a twelve-month period from the date of commencement in the purchased leave scheme. If leave is not taken within this period, the leave is forfeited and the value of the leave will be refunded at the end of the calendar year.

Purchased leave counts for service for all purposes.

The purchase of this leave does not affect the superannuation obligations of the employer or officer.

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Standard 3, Part 21, Rule 28

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## **28. Christmas shutdown**

### **28.1. Interpretation**

In this Rule, unless the contrary intention appears:

*'Christmas shutdown'* means the working days between 28 December and 31 December in any year

*'officer'* includes a Chief Executive and an Executive

*'public holiday'* means a day or part of a day declared under the Holiday Act 1958, declared by the Commissioner or otherwise provided for in the Standards

### **28.2 Paid leave during Christmas shutdown**

Unless otherwise provided by this Rule, an officer must be granted two days paid leave for those working days during the Christmas shutdown period where a public holiday does not fall.

A Chief Executive may direct or roster an officer to attend work during the Christmas shutdown period. Unless an officer works under a 24/7 rostering arrangement, if an officer is directed or rostered during the Christmas shutdown period, the officer is entitled to take the two days paid leave at another time agreed between the Chief Executive and the officer.

An officer that works under a 24/7-rostering arrangement and is directed or rostered during the Christmas shutdown period, the officer may either:

- (i) take the two days paid leave at a time agreed between the Chief Executive and officer; or

- (ii) elect to receive a payment equivalent to the pay they received for working on the two days or would have received had they worked on those two days.

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Standard 3, Part 22

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**22. Other conditions**

**1. Interpretation**

In this Part, unless the contrary intention appears:

*'officer'* includes an employee

**2. Part-time work following maternity or parental leave**

An officer returning to work following maternity or parental leave is entitled to access regular part-time employment for a period of up to two years from the birth or adoption of a child.

If an officer has taken maternity leave and another officer parental leave in relation to the same child, only one officer will be able to access the regular part-time employment under this Rule.

*Note:* Parental leave includes primary care givers' leave under Standard 3 Part 21 Rule 21.