



## REMUNERATION TRIBUNAL

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# Determination 2002/20: Recreation Leave for Full-Time Holders of Relevant Offices

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This Determination sets out the provisions for annual leave for recreational purposes – Recreation Leave. Where enabling legislation for a full-time Office Holder provides for recreation leave entitlements to be determined by the Tribunal, the provisions of this Determination apply to the extent specified in this Determination. The Determination does not apply to some office holders covered by the Tribunal. The Tribunal does not determine Recreation Leave for part-time office holders.

## PART 1 – GENERAL

- 1.1 **Authority:** The Remuneration Tribunal has made this Determination in accordance with sub-section 7(3AA) of the *Remuneration Tribunal Act 1973*.
- 1.2 **Effective Date:** This Determination takes effect on and from 5 December 2002.
- 1.3 **Effect on Earlier Determinations:** This Determination revokes Determination 33 of 1994 – Recreation Leave for Certain Full-time Public Office Holders.
- 1.4 **Definitions:** For the purposes of this Determination, the following definitions apply.
  - 1.4.1 **'Act'** means the *Remuneration Tribunal Act 1973* as amended.
  - 1.4.2 **'Office Holder'** means the full-time holder of a Relevant Office.
  - 1.4.3 **'Relevant Office'** means a Public Office in relation to which a law of the Commonwealth provides that the holder of the office has such recreation leave entitlements as are determined by the Remuneration Tribunal (refer s7(3AB) of the Act).
  - 1.4.4 **'Public Office'** has the same meaning as s3 of the Act.
  - 1.4.5 **'Specified Statutory Officer'** has the same meaning as in the Principal Determination entitled 'Specified Statutory Officers – Remuneration and Allowances'.

**1.4.6** '**Relevant Authority**' means, (in accordance with s7(3AC) and s7(3AD) of the Act):

- the person, authority or body, or a delegate of the person, authority or body, who may, under a law of the Commonwealth, grant leave of absence other than recreation leave to the holder of that office; or
- the Minister with portfolio responsibility for the Relevant Office, where the preceding provision does not apply.

**1.5 Coverage:** This determination applies to an Office Holder<sup>1</sup> (as defined above) including Specified Statutory Officers<sup>2</sup>, where their enabling legislation provides for the Remuneration Tribunal to determine Recreation Leave. Office holders covered by the Principal Determination entitled 'Judicial and Related Offices' are excluded from this determination<sup>3</sup>.

## **PART 2 –RECREATION LEAVE AND RELATED MATTERS**

**2.1 Accrual of Recreation Leave:** For each completed 12 months of service, there accrues to an Office Holder a credit of four weeks paid Recreation Leave. This leave accrues on a pro rata basis.

**2.2 Credits prior to Appointment:** Where on or after appointment to a Relevant Office, an Office Holder elects to resign under any other employing Act of the Commonwealth, and has not received payment in lieu for the recreation leave credit held immediately before the date of resignation, the Office Holder shall be taken, on the date of effect of the resignation, to have accrued an equivalent credit of recreation leave under this Determination. The credit taken to have accrued under this clause shall be taken to have accrued on the date when it accrued while the Office Holder was employed under the other employing Act.

**2.3 Credits under earlier Determinations:** All entitlements to recreation leave which, at the date of this Determination have accrued under a prior determination but have not been taken will be recognised as accrued entitlements for the purposes of this Determination.

**2.4 Administration of Recreation Leave:** Subject to clause 2.5, leave accrued under this Determination will be administered in accordance with the annual leave or recreation leave (however described) policies and practices applying generally to employees in the agency to which the Office Holder is attached. Where there are specific policies and practices for SES (or equivalent) employees in the agency, those will apply to Office Holders.

**2.4.1** The application of agency policies and practices in relation to the leave includes provisions (if any) relating to matters such as: limitations on credits accrued; deeming on leave provisions; payment in lieu on separation or death; sickness while on approved leave; cashing out of some credits; but excludes any

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<sup>1</sup> Principal Executive Offices are not 'public offices' under the Act - refer to the PEO Determination.

<sup>2</sup> The Remuneration Tribunal does not have the power to determine recreation leave entitlements for the Chief of the Defence Force and the Australian Statistician.

<sup>3</sup> The Judicial and Related Offices Determination contains Recreation Leave provisions.


provision which would have the effect of providing additional Recreation Leave. Any deeming on leave provisions will not apply to Specified Statutory Officers.


**2.4.2 Transitional:** Where the application of agency policies or practices (in accordance with the preceding clause) would create detrimental outcomes for the Office Holder or the Commonwealth, the pre-existing arrangements may continue to be applied until 5 January 2004.

**2.5 Approval of leave:** Taking of Recreation Leave under this Determination shall be subject to approval by the Relevant Authority.

Signed this 19<sup>th</sup> day of November 2002

  
Richard G Humphry AO  
PRESIDENT

  
John C Conde AO  
MEMBER

  
Janet E Grieve  
MEMBER