



## REMUNERATION TRIBUNAL

### Explanatory Memorandum: Determination 2002/20

#### Recreation Leave for Full-Time Holders of Relevant Offices

1. The Remuneration Tribunal has inquired into and determined the recreation leave entitlements for full-time public office holders of relevant offices, as it is empowered to do by the *Remuneration Tribunal Act 1973*.

#### **PART 1 - GENERAL**

2. Clause 1.2 provides a date of effect for the Determination of 5 December 2002.
3. Clause 1.3 revokes the earlier Determination (33 of 1994) that provided recreation leave for full-time Office Holders.
4. Clause 1.4 contains the definitions that apply in the Determination.
5. Clause 1.5 (in conjunction with the definitions) sets out the coverage of the Determination. Where enabling legislation states that the Tribunal can determine recreation leave entitlements for an office holder this Determination applies except for Offices contained in the Judicial and Related Offices Determination (those office holders are covered by that Determination). The Principal Executive Office Determination contains a recreation leave provision for PEOs; this Determination does not apply to PEOs (they are not a 'public office' under the Act). The Determination does not apply to part-time office holders as the Act limits the Tribunal to determining recreation leave to full-time office holders.

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

6. Clause 2.1 maintains the pre-existing entitlement to four weeks recreation leave per annum.
7. Clause 2.2 maintains the provision contained in Part C of the revoked Determination, for office holders carrying over unused leave credits from other Commonwealth employment.
8. Clause 2.3 recognises unused credits available under the revoked Determination.
9. Clause 2.4 introduces new administrative arrangements for recreation leave, with future administration tied to the general policies and practices in the relevant agency. This replaces the previous arrangements where the revoked Determination called up the former Public Service Determination 1998/5, which set out Service-wide arrangements for recreation leave in the Australian Public Service.

Clause 2.4.1 identifies matters that may be subject to the application of agency policies or practices. The matters listed are not exhaustive, however the clause

does exclude any matter that would have the effect of providing additional leave by the application of such policies or practices. The provision also maintains the exclusion of Specified Statutory Officers from any 'deeming on leave' provisions that may operate under agency policies.

As the change to the administrative arrangements (from Service-wide to agency) may impact on an office holder or the employer, there is scope in clause 2.4.2 for the Service-wide arrangements to be maintained for 13 months until 5 January 2004. This provides sufficient time for issues such as deeming on leave, caps on accrual of credits etc to be taken into account and planned for prior to applying agency policies and practices, should this be necessary.

10. Clause 2.5 maintains the current approval process.

Authority: Sub-section 7(3AA)  
of the *Remuneration Tribunal Act 1973*