



REMUNERATION TRIBUNAL

Determination 2007/09: Recreation Leave for Full-Time Holders of Relevant Offices

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;

Part 2 – Recreation leave and related matters.

PART 1 – GENERAL

- 1.1 Authority:** This Determination is issued pursuant to subsection 7(3AA) of the *Remuneration Tribunal Act 1973*.
- 1.2 Effective Date:** This Determination takes effect on and from 1 October 2006.
- 1.3 Effect on Earlier Determinations:** This Determination supersedes Determination 2002/20 (as amended) - *Recreation Leave for Full-Time Holders of Relevant Offices*, which ceased to have effect on 1 October 2006.
- 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 'Public Office'** has the same meaning as s3 of the Act.
- 1.4.4 '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.
- 1.4.5 '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).

1.4.6 'Specified Statutory Officer' has the same meaning as in the Principal Determination entitled "Specified Statutory Officers – Remuneration and Allowances".

1.5 Coverage: This determination applies to an Office Holder¹ (as defined above) including Specified Statutory Officers², 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 determination³.

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 Recreation Leave, to be paid at the Office Holder's normal weekly salary. 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 provision which would have the effect of providing additional Recreation Leave. Any deeming on leave provisions will not apply to Specified Statutory Officers.

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

2.6 Payment in lieu: Where an office holder is eligible for a payment in lieu of recreation leave, the rate of remuneration used for calculating an entitlement is to be the same as the office holder's salary for superannuation purposes.

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

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

³ The Judicial and Related Offices Determination contains Recreation Leave provisions.

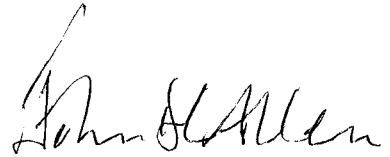
Signed this 12th day of June 2007.



John C Conde AO
PRESIDENT



Janet E Grieve
MEMBER



John D C Allen
MEMBER