

DEPARTMENT OF TRAINING AND INDUSTRIAL RELATIONS

Special Leave

- 1. PURPOSE:** To prescribe the minimum entitlements for special leave.
- 2. APPLICATION:** This directive applies to Public Service Officers and Temporary Employees under section 113 of the *Public Service Act 1996*, and Public Service Employees where indicated.
- 3. MINIMUM STANDARDS:** The prescribed amounts and entitlements set out in the Schedule(s) are the minimum standards to apply.
- 4. OPERATIVE DATE:** This Directive is to operate from 5 July 1997.
- 5. VARIATION:** The provisions in the Schedule(s) may be varied by an Agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997*.
- 6. ENHANCEMENT:** A Chief Executive may enhance an amount or entitlement prescribed in the Schedule(s) but may not extend the application of existing or enhanced entitlements to classes of employees not contained in the Application clause.
- 7. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and Section 464 of the *Workplace Relations Act 1997* apply if there is a conflict with another instrument:
 - (a) Inconsistency Between Directive And Another Act**
If there is an inconsistency between the *Public Service Act 1996* or another Act or subordinate legislation under either Act and this Directive, the Act or subordinate legislation will prevail over the Directive to the extent of the inconsistency.
 - (b) Inconsistency Between Directive And Agreement**
If there is an inconsistency between an Agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997* and this Directive, the Agreement will prevail over the Directive to the extent of the inconsistency.
 - (c) Inconsistency Between Directive And Award Or Industrial Agreement**
If there is an inconsistency between this Directive and an Award or Industrial Agreement, the Directive will prevail over the Award or Industrial Agreement to the extent of the inconsistency.
- 8. SUPERSEDES:** s.36, 37 *Public Service Management and Employment Regulation 1988*
Determination No.8
Administrative Instruction No. 1127, 1149, 1150, 1152, 1156
DTIR Circular No. 11/90 (19 December 1990)
DTIR Circular No. 3/92 (22 June 1992)

SCHEDULE

SPECIAL LEAVE

GENERAL CONDITIONS	
<p>Entitlement A Public Service Officer or Temporary Employee under section 113 of the <i>Public Service Act 1996</i> (hereafter "officer") or a Public Service Employee (hereafter "employee"), where indicated, may be granted special leave</p>	<p>of absence either on full salary or without salary as provided in these Schedules. (A Public Service Employee includes a Public Service Officer, a Temporary Employee and a General Employee).</p>

PART A

SPECIAL LEAVE ON FULL SALARY

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
<p>1. EMERGENT OR COMPASSIONATE GROUNDS An officer may be granted leave that is reasonably required either in respect of an emergency situation or on compassionate grounds.</p>	<p>At discretion of Chief Executive</p>	<p>Not to exceed a total of three working days in any 12 month period.</p>
<p>2. SPORTING COMPETITIONS</p> <p>(a) An officer who is selected as -</p> <ul style="list-style-type: none"> • a competitor, team manager or team coach of a State or National team participating at a major National or International sporting competition; or as • an umpire/referee at such competitions; <p>may be granted leave for sporting competitions.</p> <p>(The term "competitor" includes reserve competitors. Single competitors selected in events such as the marathon would be included in the category of "State or National team").</p> <p>(b) An officer who is selected as a competitor or official at the Olympic Games, Commonwealth Games or International Games for the Disabled may be granted leave for the Games.</p>	<p>Subject to departmental convenience.</p> <p>The officer provides documentary evidence of selection by the recognised governing body and the period for which participation of the officer is required.</p> <p>The major sport is one which has at least a registered minimum membership in Australia of 20,000 or is listed as a recognised sporting event at the Olympic or Commonwealth Games. (The requirement for a minimum membership of 20,000 is waived in the case of disabled officers).</p>	<p>Up to a maximum of 5 working days per calendar year non-cumulative for the purpose of -</p> <ul style="list-style-type: none"> • participation; • necessary travel to and/or from the competition; • mandatory periods of training. <p>The period the officer is required to be absent from duty to permit the officer's attendance at the Games.</p>

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
<p>3. SEMINARS, CONFERENCES OTHER THAN AS AN OFFICIAL REPRESENTATIVE</p> <p>An officer who is not an official representative and attends a seminar, conference, etc. within Australia or overseas and -</p> <ul style="list-style-type: none"> • the seminar, conference, etc. is associated with the officer's area of employment; and • the officer is a member of the society or association responsible for the event and/or contributes substantially to the event by way of delivery of a paper or some other way; <p>may be granted leave for the event.</p>	<p>Subject to Departmental convenience.</p> <p>The Department is not involved in any additional costs.</p> <p>The officer submits a report on the results of the seminar proceedings to the officer's Department for dissemination of information.</p>	<p>Leave for attendance and travel to and from the event up to a maximum of 5 working days per calendar year non-cumulative.</p> <p>(Leave may be granted for attendance at more than one seminar or conference).</p>

SUPERSEDED

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
4. RETURNING OFFICERS	An officer appointed as a returning officer at a State Election may be granted leave to discharge electoral duties.	As determined by the Chief Executive.
5. FLOODS, CYCLONES, ETC.	An employee who is prevented from attending the employee's normal place of employment because of floods, cyclonic disturbances or severe storms may be granted leave in the following circumstances -	Where the absence is less than one working day, necessary leave for such absence.
<ul style="list-style-type: none"> • not practicable for the employee to attend for duty at another Government office; • absent from the employee's usual place of residence on approved leave or during a weekend and is unable to return in sufficient time to attend the normal place of employment or it is not practicable to attend duty at another Government office; • required to return home before the employee's usual ceasing time to ensure personal safety, the protection of the employee's family and property, or the availability of transport facilities which may be disrupted or discontinued because of weather conditions; 	<p>Where practicable employees should report for duty at another Government office within the vicinity.</p> <p>Approval of leave is subject to the Chief Executive being satisfied that the absence is unavoidable or justified.</p> <p>Leave approved will not affect an officer's entitlement to leave for emergent or compassionate absences under 1 (above).</p>	<p>In all other absences involving whole working days, up to a maximum of 7 working days per calendar year non-cumulative.</p> <p>The Chief Executive may consider additional special leave on full salary in exceptional and deserving cases or where an employee is affected by more than one disaster in any one year.</p>
<ul style="list-style-type: none"> • must, of necessity remain at home to safeguard the employee's family or property; • remains at home to have temporary repairs effected, restore belongings, clean up etc; • travelling on transfer and is unavoidably delayed from arriving at the destination. (An officer may also be allowed reasonable expenses necessarily incurred for accommodation and meals for the officer and family.) 		

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
<p>6. RESERVE FORCES TRAINING</p>	<p>Evidence of the necessity for the employee's attendance for continuous training in the form of a Training Notice shall be submitted with the employee's application and, at the conclusion of the event, the employee shall submit a Certificate of Attendance from the Commanding Officer.</p>	<p>Up to a maximum of -</p> <p>26 days Naval Reserve Forces</p> <p>30 days Army Reserve Forces</p> <p>32 days Air Reserve Forces</p> <p>per financial year.</p>
<p>(i) Attendance at continuous training. (Continuous training includes camps, field exercises, schools, classes or courses and may involve more than one absence in a financial year.)</p>	<p>Where Departmental convenience does not permit an employee to attend a period of training, an employee may, in lieu, be granted leave to attend a similar activity with another unit or alternative activity with the employee's unit, at another time during the year.</p>	<p>(Maximum number of days includes Saturdays and Sundays).</p>
<p>(ii) Travel from place of residence and return thereto for attendance at continuous training OR To participate in an advance or rear party in connection with a period of continuous training.</p>	<p>The additional leave is subject to certification by the Commanding Officer that the additional days are required.</p>	<p>Up to a maximum of 4 days per financial year.</p>
<p>7. EMERGENCY MANAGEMENT COURSES</p>	<p>Subject to Departmental convenience.</p> <p>The employee provides documentary evidence of selection to attend the course or seminar.</p> <p>The Department shall not be responsible for payment of travelling and other expenses involved during the employee's absence.</p>	<p>Australian Emergency Management Institute -</p> <ul style="list-style-type: none"> necessary leave to attend the course. <p>State Emergency Service -</p> <ul style="list-style-type: none"> up to a maximum of 5 working days per calendar year non-cumulative.
<p>8. ATTENDANCE AT EMERGENCIES</p>	<p>Subject to Departmental convenience.</p> <p>Leave on full salary is not available for training purposes.</p> <p>(Where an emergency situation or a state of disaster has been declared under the <i>Public Safety Preservation Act 1986</i> or the <i>State Counter-Disaster Organisation Act 1975</i>, leave shall be granted as prescribed in 4 in Part C (below).)</p>	<p>Leave as required.</p>
<p>An employee who is a member of the State Emergency Service, voluntary member of a local fire fighting unit, member of a Rural Fire Brigade, auxiliary of a Fire Brigade, Honorary Ambulance Officer or St. Johns Ambulance volunteer may be granted leave when called out for emergencies or to fight fires.</p>		

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
9. DONORS TO THE CELL SEPARATOR UNIT, RBH An officer who is selected as a (Apheresis Machine) donor to the Cell Separator Unit at the Royal Brisbane Hospital may be granted leave for this purpose.	Subject to Departmental convenience.	Leave as required.
10. PRE-RETIREMENT SEMINARS An employee who attends a pre-retirement planning seminar may be granted leave to attend the seminar.	Leave shall not be granted where an employee chooses to attend a seminar during recreation or long service leave.	Leave for attendance and necessary travel to and from the centre.
11. OTHER EXCEPTIONAL CIRCUMSTANCES	As determined by the Chief Executive.	As determined by the Chief Executive.

PART B

SPECIAL LEAVE WITHOUT SALARY

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
The Chief Executive may grant special leave without salary to an officer for any purpose. (This Part does not apply to leave without salary in respect of Family Leave and leave granted under the Study and Research Assistance Scheme.)	Subject to Departmental convenience Where the special leave without salary approved exceeds 6 months the officer may be deployed: <ul style="list-style-type: none"> • in the same manner as the officer was employed prior to the commencement of the leave; or • where Departmental convenience requires, in a different job role and/or different location provided that the placement is at the same classification and within the same department or sub-department as applied prior to the officer taking leave. (This does not apply to an officer absent on Workers' Compensation.) The Chief Executive shall determine whether accrued recreation leave or long service leave available to an officer should be taken prior to commencement of any leave without salary.	For any minimum or maximum period determined by the Chief Executive.

PART C

NON-DISCRETIONARY SPECIAL LEAVE

CATEGORY	CONDITIONS OF APPROVAL	AMOUNT
(1) ELECTION LEAVE An officer who contests a State or Local Government election shall be granted leave for campaigning purposes.	Leave may be granted either as a charge against accrued recreation leave, long service leave or without salary.	Total period not exceeding 2 months.

(2) LOCAL GOVERNMENT LEAVE

An employee who has been elected to hold office as Mayor, Chair or Member of a Council **shall** be granted special leave for attendance at Council meetings or for undertaking Council business.

An employee who has been granted special leave on full salary to attend Council meetings or Council business and who receives payment by the Council for same must submit such payment to the Chief Executive for payment to Departmental funds, provided that where the salary of the employee is less than the amount received for that time so spent on Council business, the employee shall be entitled to retain the difference between the salary and the amount paid by the Council.

When determining the amount paid by Council, expenses for accommodation and travel shall not be taken into account.

Where an absence may cause disruption to transport or essential services, the granting of leave is subject to approval having regard to the exigencies of the situation.

These conditions do not apply to employees who are elected as full time Councillors and who are paid a salary for holding such office.

Leave on Full Salary

- **Employee elected as Mayor or Chair -**
Up to a maximum of 5 working days per calendar year non-cumulative.
- **Employee elected to other positions -**
Up to a maximum of 3 working days per calendar year non-cumulative.

Leave Without Salary

Additional leave as required.

(3) AUSTRALIAN VOLUNTEERS ABROAD

An officer who desires to undertake service overseas with the Australian Volunteers Abroad **shall** be granted leave without salary.

The officer shall make arrangements with the Government Superannuation Office regarding contributions in accordance with the superannuation legislation.

Up to 2 years.

(4) DECLARED EMERGENCY SITUATION OR STATE OF DISASTER

An employee who has been directed to assist in an emergency situation or a state of disaster in accordance with s. 8 of the *Public Safety Preservation Act 1986* or s. 25 of the *State Counter-Disaster Organisation Act 1975* respectively **shall** be granted leave for this purpose.

Leave on full salary as required.