



# MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

**DIRECTIVE No. 1/05**  
March 2005

- 1. TITLE:** **Special Leave**
- 2. PURPOSE:** To prescribe the entitlements for special leave.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to –
- public service officers; and
  - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*, and
  - general employees engaged under section 112(2)(a) of the *Public Service Act 1996* where indicated in the Schedule.
- This directive **does not apply** to employees engaged on a casual basis under sections 112(2)(b) or 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **14 March 2005**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive: 10/01: “*Special Leave*”
- 10. PREVIOUS REFERENCES:** Directive: 14/99: “*Special Leave*”  
Directive 8/97: “*Special Leave*”  
Sections 36 and 37 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.  
Determination No. 8  
Circulars 4/93, 3/92, 12/90, 11/90  
Administrative Instruction Nos. 1 | 27, 1 | 28, 1 | 49, 1 | 50, 1 | 52, 1 | 53, 1 | 54, 1 | 56, 1 | 57, 1 | 111  
Letter from the Public Service Commissioner 13 May 1994.  
Public Service Board letter of 27 October 1983 re blood donor leave.

# SCHEDULE

## SPECIAL LEAVE

### GENERAL CONDITIONS

#### 1. Entitlement

- 1.1 An officer or an employee, as defined in this schedule, may be granted special leave of absence either on full salary or without salary as provided and where indicated in this schedule.

#### DH (daily hours)

means the employee's daily hours (as defined).

Provided that the leave entitlement applies to part-time employees on a *pro rata* basis.

#### 2. Conversion to hourly basis

- 2.1 Leave prescribed in this directive may be converted to an hourly basis for the purpose of entitlement, granting and recording of leave.

#### 6. Leave granted on an hourly basis

- 6.1 If an employee applies for leave on a basis other than an hourly basis, the leave may be granted on an hourly basis.

#### 3. Timing of leave

- 3.1 Leave is always to be subject to the demands of a particular situation and is to be taken at departmental convenience.

#### 7. Leave based on the number of hours that the employee would have worked

- 7.1 If an employee is rostered to work a specific number of hours on a day and the employee is absent from duty on that day, or part of it, the employee's leave account is to be reduced. This reduction will be the number of hours that the employee was rostered to work on that day but did not work. This applies even though the employee's leave account is debited by a different number of hours from the employee's daily hours (as defined).

#### 4. Special Leave – recall and cancellation

- 4.1 A chief executive may, if departmental circumstances require it –
- recall an employee from special leave; or
  - cancel the approval or granting of any special leave; or
  - defer the taking of that leave.

#### Example 1

If an employee, working 7.25 hours a day, is absent for 1.5 hours due to cyclonic weather, and subsequently performs 6 ordinary hours work on that day, then 1.25 hours is debited against special leave for floods, cyclones, bushfires etc.

#### 5. Leave entitlement in hours

- 5.1 If an employee's leave entitlement in a directive is expressed in working days, the leave entitlement may be read as if it were expressed in working hours using the following formula –

$$LE = WD \times DH$$

Where:

**LE** (leave entitlement)

means the amount of leave entitlement expressed in working hours to which the employee is entitled.

**WD** (working days)

means the number of working days set out in the directive.

#### Example 2

If an employee is rostered to work 7.6 hours and is absent on special leave that day, 7.6 hours is debited against special leave.

#### 8. Variation of ordinary working hours

- 8.1 If a department's system for recording particulars of leave granted to an employee is based on working hours and the daily hours (as defined) of the employee change, the leave entitlements accumulated by the employee are also to be recorded in hours and the leave entitlements accumulated by the employee are also to be recorded in hours.

8.2 The formula for this conversion is as follows –

$$\text{LAC} = \text{LBC} \times \frac{\text{HAC}}{\text{HBC}}$$

Where:

**LAC** (leave entitlement after change) means the hours of leave to which the employee is entitled after the change.

**LBC** (leave entitlement before change) means the employee's leave entitlement expressed in hours before the change.

**HAC** (daily hours after change) means the employee's daily hours (as defined) after the change.

**HBC** (daily hours before change) means the employee's daily hours (as defined) before the change.

## 9. Definitions

9.1 “**daily hours**”, means –

- the number of ordinary daily working hours of an employee as specified in an industrial instrument (as defined);
- in any other case – the number of hours that can be determined from the relevant industrial instrument (as defined) as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

9.2 “**employees**” includes public service officers, temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996* and general employees engaged under section 112(2)(a) of the *Public Service Act 1996*.

9.3 “**industrial instrument**” for the purposes of this directive means an award, industrial agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive.

9.4 “**officers**” for the purposes of this directive, means public service officers or temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*.

**PART A**

**SPECIAL LEAVE ON FULL SALARY**

<b>CATEGORY</b>	<b>CONDITIONS OF APPROVAL</b>	<b>ENTITLEMENT</b>
<p><b>1. EMERGENCY OR COMPASSIONATE GROUNDS</b></p> <p>An officer may be granted leave that is reasonably required either for an emergency situation or on compassionate grounds.</p>	<p>Applies to <b>officers</b> only.</p> <p>At discretion of chief executive.</p>	<p>Not to exceed a total of 3 working days in any 12 month period.</p>
<p><b>2. SPORTING COMPETITIONS</b></p> <p>An officer who is selected as –</p> <ul style="list-style-type: none"> <li>• a competitor, team manager or team coach of a state or national team participating at a major national or international sporting competition; or</li> <li>• an umpire or referee at such competitions;</li> </ul> <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>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>Applies to <b>officers</b> only.</p> <p>Subject to departmental convenience.</p> <p>The officer must provide 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 that 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"> <li>• participation;</li> <li>• necessary travel to and/or from the competition; and</li> <li>• mandatory periods of training.</li> </ul> <p>The period the officer is required to be absent from duty to permit the officer’s attendance at the Games.</p>
<p><b>3. SEMINARS, CONFERENCES OTHER THAN AS AN OFFICIAL REPRESENTATIVE</b></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"> <li>• the seminar, conference, etc. is associated with the officer’s area of employment; and</li> </ul>	<p>Applies to <b>officers</b> only.</p> <p>Subject to departmental convenience.</p> <p>The department is not involved in any additional costs.</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>

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<ul style="list-style-type: none"> <li>the officer is a member of the society or association responsible for the event or contributes substantially to the event by way of delivery of a paper or some other way</li> </ul> <p>may be granted leave for the event.</p>	<p>The officer submits a report on the seminar proceedings to his or her department for dissemination.</p>	<p>Leave may be granted for attendance at more than one seminar or conference.</p>
<p><b>4. RETURNING OFFICERS</b> An officer appointed as a returning officer at a state election may be granted leave to discharge electoral duties.</p>	<p>Applies to <b>officers</b> only.</p>	<p>As determined by the chief executive.</p>
<p><b>5. FLOODS, CYCLONES, BUSHFIRES, ETC.</b> An employee who is prevented from attending the employee's normal place of employment because of floods, cyclonic disturbances, severe storms or bushfires may be granted leave in the following circumstances –</p> <ul style="list-style-type: none"> <li>it is not practicable for the employee to attend for duty at another Government office;</li> <li>the employee is absent from his or her 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;</li> <li>where the employee is 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 or environmental conditions;</li> <li>where the employee must, of necessity, remain at home to safeguard the employee's family or property;</li> </ul>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <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 emergency or compassionate absences under 1 (above).</p>	<p>Where the absence is less than one working day, necessary leave for such absence.</p> <p>In all other absences involving whole working days, up to a maximum of 5 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>

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<ul style="list-style-type: none"> <li>where the employee remains at home to have temporary repairs effected, restore belongings, clean up etc;</li> <li>where the employee is 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.)</li> </ul>		
<p><b>6. EMERGENCY MANAGEMENT COURSES</b></p> <p>An employee who is selected to attend an emergency management course or seminar organised by the Australian Emergency Management Institute, Mt Macedon, Victoria or the State Emergency Service may be granted leave to attend the course or seminar.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Subject to departmental convenience.</p> <p>The employee should provide documentary evidence of selection to attend the course or seminar.</p> <p>The department is not responsible for payment of travelling and other expenses involved during the employee's absence.</p>	<p><b>Australian Emergency Management Institute –</b></p> <ul style="list-style-type: none"> <li>necessary leave to attend the course.</li> </ul> <p><b>State Emergency Service –</b></p> <ul style="list-style-type: none"> <li>up to a maximum of 5 working days per calendar year non-cumulative.</li> </ul>
<p><b>7. ATTENDANCE AT EMERGENCIES</b></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. John Ambulance volunteer may be granted leave when called out for emergencies or to fight fires.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Subject to departmental convenience.</p> <p>Leave on full salary in not available for training purposes.</p> <p><i>Note: Where an emergency situation or a state of disaster has been declared under the Public Safety Preservation Act 1986 or the Disaster Management Act 2003 leave as required is to be granted.</i></p>	<p>Leave as required.</p>
<p><b>8. PLATELET ETC DONORS</b></p> <p>An employee who is selected as a donor for the apheresis procedure may be granted leave for this purpose.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Subject to departmental convenience.</p>	<p>Maximum leave 2.5 hours per three months on full pay</p>

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<p><b>9. BLOOD DONORS</b> An employee who attends a recognised facility as a donor may be granted leave for the purpose of donating blood.</p>	<p>Applies to <b>officers</b> and <b>employees</b></p> <p>Subject to departmental convenience</p>	<p>2 hours per three months on full pay</p>
<p><b>10. PRE-RETIREMENT SEMINARS</b> An employee who attends a pre-retirement planning seminar may be granted leave to attend the seminar.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Leave shall not be granted where an employee chooses to attend a seminar during recreation leave or long service leave.</p>	<p>Leave for attendance and necessary travel to and from the centre.</p>
<p><b>11. OTHER EXCEPTIONAL CIRCUMSTANCES</b></p>	<p>As determined by the chief executive.</p>	<p>As determined by the chief executive.</p>

SUPERSEDED

**PART B**

**SPECIAL LEAVE WITHOUT SALARY**

CATEGORY	CONDITIONS OF APPROVAL	ENTITLEMENT
<p>The chief executive may grant special leave without salary to an employee for any purpose.</p> <p>This part does not apply to leave without salary in respect of family leave and leave granted under the Study and Research Assistance Scheme.</p>	<p>Applies to <b>officers and employees</b>.</p> <p>Subject to departmental convenience.</p> <p><b>Officers only</b> – where the special leave without salary approved exceeds 6 months the officer may be deployed –</p> <ul style="list-style-type: none"> <li>• in the same manner as the officer was employed prior to the commencement of the leave; or</li> <li>• where departmental convenience requires, in a different job role or different location provided that the placement is at the same classification and within the same department or sub-department as applied before the officer took leave. (This does not apply to an officer absent on Workers' Compensation.)</li> </ul> <p>The chief executive shall determine whether accrued recreation leave or long service leave should be taken prior to commencement of any leave without salary.</p>	<p>For any minimum or maximum period determined by the chief executive.</p>



**PART C**

**NON-DISCRETIONARY SPECIAL LEAVE**

CATEGORY	CONDITIONS OF APPROVAL	ENTITLEMENT
<p><b>1. ELECTION LEAVE</b> An employee who contests a state or local government election shall be granted leave for campaigning purposes.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Leave may be granted either as a charge against accrued recreation leave, long service leave or without salary.</p>	<p>Total period not exceeding 2 months.</p>
<p><b>2. LOCAL GOVERNMENT LEAVE AND LEAVE WHEN ELECTED OR APPOINTED TO ATSIC</b> An employee who has been</p> <ul style="list-style-type: none"> <li>• elected to hold office as mayor, chair or member of a council or</li> <li>• appointed or elected as a part-time commissioner, regional chair or councillor of ATSIC</li> </ul> <p>is to be granted special leave for attendance at council or ATSIC meetings or for undertaking council or ATSIC business.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>An employee who has been granted special leave on full salary to attend council or ATSIC meetings or business and who receives payment by the council or ATSIC for attending must submit the payment to the chief executive for reimbursement to departmental funds. Except where the salary of the employee is less than the amount received for the time spent on council or ATSIC business, the employee is entitled to retain the difference between the salary and the amount paid by the Council or ATSIC.</p> <p>When determining the amount paid by council or ATSIC expenses for travel and accommodation are not to be taken into account</p> <p>Where an absence may cause disruption to transport or essential services, the granting of leave is subject to approval having regard to all the circumstances.</p> <p>These conditions do not apply to employees who are elected as full time councillors, and who are paid a salary for holding such office.</p>	<p><b>Leave on Full Salary</b></p> <ul style="list-style-type: none"> <li>• <b>Employee elected as mayor, commissioner or chair –</b> Up to a maximum of 5 working days per calendar year non-cumulative.</li> <li>• <b>Employee elected to other positions –</b> Up to a maximum of 3 working days per calendar year non-cumulative.</li> </ul> <p><b>Leave Without Salary</b> Additional leave as required.</p>

CATEGORY	CONDITIONS OF APPROVAL	ENTITLEMENT
<p><b>3. AUSTRALIAN VOLUNTEERS ABROAD</b></p> <p>An officer who desires to undertake service overseas with the Australian Volunteers Abroad shall be granted leave without salary.</p>	<p>Applies to <b>officers</b> only.</p> <p>The officer shall make arrangements with the Government Superannuation Office regarding contributions in accordance with the superannuation legislation.</p>	<p>Up to 2 years.</p>
<p><b>4. DECLARED EMERGENCY SITUATION OR STATE OF DISASTER</b></p> <p>An employee who has been directed to assist in an emergency situation or a state of disaster in accordance with the <i>Public Safety Preservation Act 1986</i> or the <i>Disaster Management Act 2003</i> shall be granted leave for this purpose.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p>	<p>Leave on full salary as required.</p>
<p><b>5. DEFENCE RESERVE FORCES LEAVE</b></p> <p>An employee who is a member of the Reserve Forces is to be granted leave for –</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) and/or for deployment situations</p> <p>(ii) travel from and to the employee's place of residence to attend continuous training</p> <p>OR</p> <p>to participate in an advance or rear party in connection with a period of continuous training.</p>	<p>Applies to <b>officers</b> and <b>employees</b>.</p> <p>Where possible, at least three (3) months notice prior to commencement of leave should be provided.</p> <p>Evidence of the necessity for the employee's attendance for continuous training in the form of a Training Notice must be submitted with the employee's application and, at the conclusion of the event, the employee must submit a certificate of attendance from the Commanding Officer.</p> <p>Where called up for a deployment situation, an employee must produce written evidence (deployment notice) of the proposed period of deployment.</p> <p>The additional leave is subject to certification by the Commanding Officer that the additional days are required.</p>	<p><b>Leave on Full Salary</b></p> <p>(The periods of leave below <b>apply from 1 July 2004</b>)</p> <p>Up to a maximum of –</p> <p>32 calendar days per financial year (Army Reserve, Naval Reserve and Air Reserve)</p> <p>plus an additional 14 calendar days per financial year during employee's first year of reserve service, where attending recruit/initial training.</p> <p>Up to a maximum of 4 days per financial year.</p> <p><b>Leave Without Salary</b> Additional leave as required.</p>

CATEGORY	CONDITIONS OF APPROVAL	ENTITLEMENT
<p><b>Employer Support Payments</b></p> <p>Agencies are expected to pursue Employer Support Payment entitlements from the Department of Defence when an employee accesses paid or unpaid Defence Reserve Forces Special Leave. Details of the financial benefits for employers of reservists provided under the Employer Support Payment Scheme can be obtained from the Defence Reserve Support Council on 1800 803 485 or their website <a href="http://www.defence.gov.au/reserves">www.defence.gov.au/reserves</a>.</p>	<p><i>Note: The Defence Reserve Service (Protection) Act 2001 at section 17 states that “an employer must not hinder or prevent a person in the employer’s employment from volunteering to render defence service or rendering defence service”. When a requirement for an employee Reservist to undertake defence service (which includes training) causes serious difficulties for a department or agency, the department or agency should request the Australian Defence Service to identify alternative dates for the defence service.</i></p>	

SUPERSEDED