NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act

DETERMINATION NUMBER 12 OF 2004

I, JOHN DOUGLAS KIRWAN, Commissioner for Public Employment, in pursuance of section 14(2) of the Public Sector Employment and Management Act and with reference to section 13(a) of that Act, determine that:

1. the terms and conditions of employment specified in the Schedule shall apply to employees who are covered by the following Certified Agreements:
   a) Northern Territory Public Sector 2002 – 2004 Certified Agreement;
   b) Northern Territory Public Sector 2003 Teachers and Educators Certified Agreement;
   c) 2002 Power and Water Enterprise Agreement Working Together to Meet the Challenge; and
   d) Dental Officers’ (Northern Territory Public Sector) Certified Agreement 2002-2005;

2. this Determination shall be read in conjunction with Public Sector Employment and Management By-law 5 – Recreation Leave Loading, provided that where there is any inconsistency, this Determination shall take precedence over the By-law; and

3. this Determination is to have effect on and from 1 January 2005.


Signed

JOHN KIRWAN
Commissioner for Public Employment
Schedule

An employee shall continue to have access to the provisions of By-law 5 – Recreation Leave Loading, except that the automatic payment of recreation leave loadings shall apply as follows:

1. The date of accrual of a recreation leave loading is 1 January of each year as outlined in By-law 5(1);

2. A common cash-up date for the automatic payment of recreation leave loadings has been established.

3. The common cash-up date is the second payday in January of each year or in any case by the end of January each year;

4. An employee with two accrued recreation leave loadings as at 1 January shall have one recreation leave loading automatically paid on the common cash-up date of that year;

5. An employee with three or more accrued recreation leave loadings as at 1 January shall have two recreation leave loadings automatically paid on the common cash-up date of that year;

6. Recreation leave loadings will be paid in the order of accrual;

7. Recreation leave loadings will continue to be taxed in accordance with current Australian Taxation Office taxation legislation applicable to the payment of recreation leave loadings, except that recreation leave loadings automatically paid on the common cash-up date will be fully taxed;

8. Nothing in this Determination shall prevent an employee from accessing one or more unpaid recreation leave loadings in accordance with By-law 5(2) and may select the tax free option if not yet utilised;

9. The automatic payment of recreation leave loadings shall not apply to school based Teachers and shiftworkers.