

Northern Territory of Australia

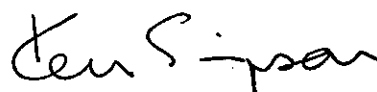
Public Sector Employment and Management Act

**Determination Number 6 of 2011
and Revocation of Determination Number 6 OF 1993**

I, KENNETH DONALD SIMPSON, the Commissioner for Public Employment for the Northern Territory:

1. in pursuance of section 14 of the *Public Sector Employment and Management Act*, and with reference to section 43 of the *Interpretation Act*, revoke Determination No 6 of 1993.
2. in pursuance of section 14(2) of the *Public Sector Employment and Management Act*, and with reference to section 13(a) of that Act and the Personal Leave clause covering War Service in the relevant Enterprise Agreements, determine that the conditions that apply in relation to an injury or illness directly attributed to the employee's war service shall be in accordance with the Schedule to this Determination.

Dated 22 JUNE 2011



KEN SIMPSON
Commissioner for Public Employment

SCHEDULE

1) APPLICATION

The provisions of this Determination shall apply only to an employee who has undertaken:

- i. service within operational areas as defined in Schedule 2 of the *Veterans' Entitlements Act 1986* (Commonwealth) as amended from time to time;
- ii. service with the Defence Force that is of a kind determined in writing by the Defence Minister to be warlike service for the purposes of the *Military Rehabilitation and Compensation Act 2004* as amended from time to time; and
- iii. who suffers from an illness or condition recognised by the Department of Veterans Affairs as war caused.

An employee must produce a statement from the Department of Veterans Affairs giving details of what condition/s have been accepted as being war caused. These conditions are to be noted on the employee's personal leave record.

Should a further condition be recognised as war caused at some time after the recognition of the original disability no further benefit under this Determination will be provided to the employee.

2) ACCRUAL

- a) On the date of their commencement in the NTPS or the date of recognition of the condition, whichever is the later, an employee who has a condition or illness accepted by the Department of Veterans' Affairs as being war caused shall accrue war service sick leave credits comprising:
 - i. an initial (and once only) grant of a non-accumulative credit of nine weeks at full pay; and
 - ii. an accumulative credit of three weeks at full pay,
- b) After each period of twelve months of service the employee shall accrue a further credit of three weeks accumulative credit subject to a maximum balance of nine weeks cumulative at any time.
- c) Subject to a)ii and b), the accrual of the accumulative war service sick leave entitlement is affected by periods of leave without pay and/or unauthorised absences in the same manner as personal leave, and the deferral provisions set out in the Personal Leave Clause of the employee's Enterprise Agreement shall be applied.

3) GRANTING OF LEAVE

Applications for war service sick leave must be accompanied by a medical certificate stating that the period of leave applied for is attributed to the employee's war caused condition or illness.

War service sick leave granted under this Determination shall be deducted in the first instance, from the employee's non-accumulative credit and when this credit is exhausted, from the accumulative credit.

The leave available under this Determination is in addition to the employee's normal personal leave entitlement and any repatriation benefits provided by the Department of Veterans' Affairs.

Where the employee has exhausted their war service sick leave entitlement they can apply to the CEO to access their accrued personal leave entitlements under normal provisions.

4) RECOGNITION OF PRIOR SERVICE

For the purposes of this Determination, all separate periods of service with the Northern Territory Public Sector, or the Australian Public Service or another Territory or State Public Service/Sector where war sick leave entitlements are provided to employees, are to be considered as continuous regardless of the length of any break in service.

Any accumulative or non-accumulative credit available at the end of one period of service must be carried forward to any subsequent period of service.
