

Commissioner's Information Sheet

The information in this sheet provides guidance for NTPS employees and managers on the appropriate use of personal/carer's leave under the Northern Territory Public Sector Enterprise Agreement 2025-2029. It is intended as a practical reference and does not replace the full provisions of the Agreement which can be found [here](#).

Further information about personal leave entitlements and accruals can be found [here](#).

The fair and consistent application of these provisions will assist to prevent misuse of entitlements and falsification of medical evidence that may result in improper conduct, leading to disciplinary action and is considered a serious criminal offence. DCDD Workforce Services is available to assist employees and managers to apply the correct leave type. Additional information can be found in the [HR Skill Up Series](#), which are accessible to NTPS employees on the NTG Central Website.

PERSONAL LEAVE

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What is Personal leave?

If you are not fit for work due to personal illness or injury, you can take personal leave (formerly known as sick leave).

If you need to provide care or support to a member of your immediate family or household due to personal illness or injury this is known as carer's leave.

Personal leave can also be used for attending medical appointments, including specialist consultations or treatments for you or a member of your immediate family or household.

Medical Certificates and Evidence Requirements

Employees must provide evidence as soon as practicable:

- **Up to 3 consecutive days** for day workers or **3 consecutive shifts** for shift workers, inclusive of where the employee has not used more than 5 days in a personal leave year without medical evidence: Evidence may be requested by your manager.
- **More than 3 consecutive days:** Evidence required.
- **More than 5 days in a personal leave year without medical evidence** for day workers, or the maximum of the employee's weekly hours or 5 shifts without medical evidence per personal leave year, whichever is the greater: Evidence required.

Acceptable evidence includes:

- Medical certificate from a registered health practitioner.
- Certificate of attendance from a registered health practitioner.

Registered health practitioner means a health practitioner registered, or licensed, as a health practitioner (or as a health practitioner of a particular type) under a law of an Australian state or territory that provides for the registration or licensing of health practitioners (or health practitioners of that type). Common examples include but are not limited to, a general practitioner, medical specialist, dentist, psychologist, physiotherapist).

Falsifying a medical certificate is a serious offence that can lead to legal prosecution.

- Statutory declaration if medical access is impracticable.
 - If it is not reasonably practicable to access a registered health practitioner including through access to telehealth services, statutory declarations may be accepted, however these should specify the reason that the employee could not obtain a medical certificate from a registered health practitioner and, should not be relied on as a replacement to obtaining a certificate from a registered health practitioner.
 - Falsifying a statutory declaration in the NT is a serious offence and may result in legal prosecution. Statutory declarations are legal documents carrying the same weight as sworn evidence.

- DCDD Workforce Services can provide advice to employees and managers about circumstances where it may be acceptable to provide a statutory declaration in lieu of a certificate from a registered health practitioner.
- For more information about using a statutory declaration and to complete the form go [here](#).
- Where a statutory declaration is provided, this must be recorded in the delegate comments section for the approved leave in myHR and retained on the employee's personnel file.
- Other evidence acceptable to the CEO. DCDD Workforce Services can provide advice regarding what evidence may be acceptable in consideration of the employee's individual circumstances.

Certificates need only confirm that the employee was unfit for duty for the specified period. A diagnosis is not required.

Whilst enterprise agreements allow employees to take up to 5 days personal leave without a medical certificate:

- The employee must still only use the leave for an approved purpose as set out in the personal / carer's leave provisions of their relevant enterprise agreement; and
- The employee may be asked to produce medical evidence if their supervisor suspects the employee is misusing the leave, or the employee's use of leave suggests a pattern of behaviour that may need to be addressed.

Personal Leave for Carer Responsibilities

You may use personal leave as carer's leave if you:

- need to **care for or support an immediate family or household member** who is sick, injured, or affected by an unexpected emergency (carer's leave).
- or an immediate family/household member, needs to **attend a medical appointment** with a registered health practitioner for preventative care, surgical procedures, or to discuss health issues.

Immediate family includes spouse, de facto partner, child, parent, grandparent, grandchild, sibling, or the equivalents through a spouse/de facto.

Extended family (in-laws, aunt/uncle, niece/nephew, cousin) is not covered under personal leave unless they are a household member or another entitlement applies.

The same notification and evidentiary requirements that apply to the use of personal leave also apply to the use of carer's leave.

Managers can request evidence from the employee to confirm the need for the leave and can verify the evidence provided with the registered medical practitioner.

Notification Requirements and Applying for Personal Leave

If you are applying for personal leave, you should:

- Notify your supervisor as soon as practicable, ideally before you are due to commence work.
- If prior notice is not possible, notify by telephone at the first opportunity.
- Submit a leave request through myHR
- Provide medical evidence (e.g., medical certificates) in accordance with the section below.

In Practice

Personal leave is tied to an employee's health or caring responsibilities for immediate family or household members who are sick or injured. If the absence is not health-related, then annual leave, flexible work, or other entitlements must be used instead.

If the employee is fit for work but preferring not to attend, personal leave is not a substitute for general time off or dissatisfaction with work.

Examples of Personal Leave Usage

Personal Leave for Illness

If an employee is sick or injured and unable to work, they can take personal leave.

Example: An employee wakes up feeling unwell with flu-like symptoms. They notify their supervisor and take personal leave for the day. Since their absence is only one day, they do not need a medical certificate unless they have already used 5 days of paid personal leave without a medical certificate in their personal leave year.

If they have already used 5 days of paid personal leave without a medical certificate in a personal leave year, they will need to request approval to use an alternative leave entitlement or submit a request for leave without pay if they do not obtain a medical certificate. They should check this in MyHR because they run the risk of not being paid for that absence or being overpaid, which would require recovery action.

If the employee's symptoms persist and the employee uses 3 or more days personal leave, they will be required to provide medical evidence, even if they have not used their 5 days of paid personal leave without a medical certificate in their personal leave year.

Extended Personal Leave for Injury

If an employee undergoes surgery, they can use personal leave to recover before returning to work.

Example: An employee suffers a back injury and requires a week off to recover. They submit a medical certificate from their doctor and request personal leave.

Personal Leave for Carer Responsibilities

If an employee needs to care for a family or household member who is sick or injured, they can use personal leave to provide support.

Example: An employee's child falls ill and cannot attend school. The employee takes personal leave to stay home and care for them. A medical certificate may be required depending on the duration and an employee's available personal leave credits.

Example: Arranging care: taking time to find or set up ongoing care services for someone with long-term medical needs. A certificate from a Registered Health Practitioner is to be provided.

Example: Providing personal care, support and help to an immediate family or household member during recovery or managing a condition. A certificate from the immediate family or household members Registered Health Practitioner stating that the condition of the person concerned requires an employee's care or support to the extent that they will not be able to attend for duty to be provided.

Example: Providing long term personal care and support to an immediate family or household member due to an ongoing medical condition. A certificate from the family or household members Registered Health Practitioner stating that the condition of the person concerned requires an employee's care or support to the extent that they will not be able to attend for duty to be provided.

Personal Leave for Emergency Family Care

Example: An employee's elderly parent has a sudden medical emergency. The employee needs to take a few days off to arrange care and provide support. The employee notifies their employer and may use carer's leave. The employee submits a request for carer's leave with a medical certificate from the immediate family or household members registered health practitioner.

A CEO or their delegate can request additional evidence about the requirement to provide care or support.

Personal Leave for Mental Health

Employees can take personal leave for mental health reasons, ensuring they have time to recover and seek professional help if needed. Mental-health absences are treated the same as physical illness: you are unfit for work, so you can use personal leave. A certificate from a Registered Health Practitioner will be required depending on the duration and an employee's leave credits.

Example: An employee is suffering from a mental health condition affecting their ability to work. They consult a registered medical practitioner, who recommends time off to focus on recovery. The employee submits a request for personal leave with a medical certificate.

Other Examples of mental health conditions (e.g., anxiety, depression, PTSD).

- Acute episodes or flare-ups (e.g., panic attack, severe stress).
- Medication side-effects making work unsafe.
- Attendance at therapy, psychiatrist, or specialist appointments¹.

Evidence: Medical certificate, psychologist/psychiatrist letter, NT Health e-certificate or relevant documentation from a Registered Health Practitioner.²

¹ Employees are not required to submit personal leave when accessing EAP services, Information regarding EAP services can be found [here](#).² The EA says managers **can** request evidence "reasonably required" to establish the employee was unfit for work; they must not pry into diagnoses.

What is not covered

- General wellbeing or "reset" days when not unfit for duty.
- Planned holidays or retreats labelled as "mental reset."
- Voluntary training courses while well.
- Absences without illness or caring responsibilities e.g. "I just didn't feel like working".

Employees need to speak to their manager and apply for an alternative leave form - annual leave, flexible work, or leave without pay. For more information the different leave types available refer to your relevant enterprise agreement, or seek advice from DCDD Workforce Services.

If in doubt, speak to your supervisor or the DCDD Workforce Services Team before the day—misclassifying leave can become a disciplinary matter.

Carer's Leave and Mental Health

Carer's leave can be used when an immediate family or household member:

- Experiences a mental health condition or acute episode requiring care / support.
- Attends a medical or therapy appointment where support is required.
- Is affected by an unexpected emergency related to mental health (e.g., sudden hospitalisation).

Evidence: Medical certificate, psychologist/psychiatrist letter, NT Health e-certificate or relevant documentation from a Registered Health Practitioner of the immediate family or household member.

Notification Requirements for Using Personal or Carer's Leave

- **Notify early** – text or ring your supervisor as soon as you know you cannot work.
- **Keep it factual** – "I'm unwell and will be taking personal leave today." You are not obliged to mention the specifics of your illness or injury unless you want workplace adjustments.
- **Submit in MyHR** (or agency system) the same day or as soon as practicable.
- **Confidentiality** – generally, medical evidence is not provided to Workforce Management, it is provided to your manager who notes and returns it. Medical evidence should be retained by you in case your leave records are reviewed.

- **Request workplace adjustments separately** – if you need flexible hours or workload changes long-term, lodge a Workplace Adjustment Plan (Disability Employment Policy) rather than rely on ad-hoc sick days.

A note about Carer's Leave and Emergency Leave

Employees may be granted emergency leave if:

- A **sudden, unexpected, serious situation** arises where the employee cannot attend work or must return home early to ensure their personal safety or the protection of their family and/or property.
- The CEO or delegate is satisfied there is sufficient cause.

Entitlement: Up to 3 days per year, taken as single days or part-days (not consecutive). After dealing with the emergency, any further absence must be covered by another form of leave (e.g., carer's leave, recreation leave, or leave without pay).

Comparison Table – Carer's Leave vs Emergency Leave

	Carer's Leave	Emergency Leave
Purpose	To care for immediate family/household members who are sick, injured, in an unexpected medical emergency, or attending medical appointments (including mental health).	To respond to a sudden, unexpected, serious situation affecting the employee's own safety, family, or property.
Duration	Drawn from accrued personal leave credits.	Up to 3 days per year, single or part-days only (not consecutive).
Evidence	Medical certificate, certificate of attendance, statutory declaration, or other documentation acceptable to the CEO.	CEO must be satisfied there is sufficient cause; no formal medical evidence required but circumstances must be genuine.
Examples	Caring for a child with the flu, accompanying a parent to a specialist, supporting a partner during a mental health crisis.	Leaving work due to a house fire, flood, break-in, or urgent personal safety threat.
Follow-on Leave	May continue using personal/carer's leave if situation persists.	After emergency is dealt with, further absence must be covered by another form of leave.

Checklists

Employee Responsibilities

- ☐ [] Notified supervisor before (rostered) start time
- ☐ [] Lodged leave in system
- ☐ [] Arranged medical evidence from a Registered Health Practitioner
- ☐ [] Provided medical evidence within 24 hours of return
- ☐ [] Saved copy of medical evidence for own records

Supervisor / Manager Responsibilities

- ☐ [] Verified leave type & dates
- ☐ [] Medical evidence provided where required
- ☐ [] Medical evidence verified if required
- ☐ [] If medical evidence is considered to be falsified, report to Workforce Management, your agency nominated recipient or the Office of the Independent Commissioner Against Corruption (refer to the Mandatory Reporting Directions and Guidelines for Public Officers) and NT Police
- ☐ [] Privacy maintained
- ☐ [] Ensure you keep connected with the employee for long leave periods
- ☐ [] Attempt contact with the employee if they do not notify. If no response, seek advice from Workforce Management who can provide support for attempt to contact next of kin or if welfare is not established then NT Police
- ☐ [] Logged any patterns or work health safety concerns

References

- NTPS Enterprise Agreement 2025–2029, Part 9 (Leave), cl. 76
- NTPS Enterprise Agreement 2025–2029, Emergency Leave, cl. 102
- Employment Instruction No. 1 – Code of Conduct
- *Information Act 2002* – s.65
- *Work Health Safety (National Uniform Legislation) Act 2011*
- OCPE Mental Health & Wellbeing Toolkit (2024)
- *Criminal Code Act 1983* - s119 and s253
- Mandatory Reporting Directions and Guidelines for Public Officers, Office of the Independent Commissioner Against Corruption