



This Guideline will assist in achieving best practice when granting miscellaneous leave under the *Public Sector Management By-Laws (the By-Laws)* with specific reference to leave for employees experiencing domestic, family and sexual violence. The Guideline does not form part of legislation.

1. Approved purposes for miscellaneous leave

Under the *By-Laws section 18.1* the Chief Executive Officer (CEO) may grant leave with pay as miscellaneous leave for the following:

- (a) To allow employees to donate blood;
- (b) Where the employee who is a member of a volunteer emergency service unit or fire brigade is required to:
 - i. Attend operational exercises conducted by the Northern Territory Emergency Services within the meaning of the Disasters Act, the Bushfires Council or a Regional Committee within the meaning of the Bushfires Act or the auxiliary or volunteer fire brigades within the meaning of the Fire Service Act; or
 - ii. Participate in an emergency operation as a member of one of the organisations referred to in paragraph (i); or
- (c) Where the employee engages in community service necessarily rendered following a natural disaster, subject to any limitations imposed by the Chief Executive Officer; or
- (d) For any other purpose approved by the Commissioner.

In addition to these allowable purposes, the Commissioner has approved, in accordance to *the By-Laws section 18.1(d)* the additional purpose of leave for employees to deal with matters resulting from domestic, family and sexual violence.

Miscellaneous leave provisions do not apply for casual employees, however unpaid leave may be granted.

2. Miscellaneous leave for matters resulting from domestic, family and sexual violence

In considering whether a matter falls within domestic, family and sexual violence regard should be given to definitions as set out in the Domestic and Family Violence Act.

However, in broad terms, domestic and family violence encompasses all forms of violence within a domestic or family relationship. This generally may include violence between intimate partners (married, de facto relationships, boyfriends / girlfriends, same sex relationships), members of immediate family according to Aboriginal tradition or



contemporary social practice, members of a household and/or people involved in a dependent carers relationship.

For the purposes of this Guideline, sexual violence is generally includes sexual assault inside / outside of domestic and family violence.

Employees who experience domestic, family or sexual violence may seek time off for:

- seeking safe accommodation;
- attending medical appointments;
- attending counselling appointments;
- attending court hearings;
- accessing legal advice;
- organising alternative care or education arrangements for their children; and/or
- other related purposes approved by the CEO.

3. Access to miscellaneous leave and use of alternative leave

In relation to miscellaneous leave; the CEO may, if satisfied there is sufficient cause, grant on each applicable instance a reasonable period of leave with pay. What constitutes a "reasonable period" is to be determined by the CEO based on the merits of each case.

Further, in relation to an application for leave for an employee experiencing domestic, family and sexual violence, the CEO may refer some or all of the applied leave period to other leave provisions where;

- there is a leave entitlement deemed more appropriate; and
- the employee has in excess of two (2) years of the accrued entitlement for personal leave; or
- the employee has in excess of one (1) year of the accrued entitlement for recreation leave.

For example:

Employee X applies for 1 day leave to attend a counselling appointment relating to a recent sexual assault and has 40 days accrued personal leave. Personal leave is appropriate for attending counselling appointments and there is more than the two years accrued. Employee X may be directed to take personal leave.



Employee Y applies for 5 days leave to assist settling the children into a new safe home and a new school and has 32 days recreation leave. Employee Y may be directed to take 2 days recreation leave and will be granted 3 days additional paid miscellaneous leave.

Employee Z applies for 3 days leave to prepare for and attend court in relation to a domestic and family violence matter. Employee Z has 20 days of recreation leave accrued. The accrued amount is less than one year's entitlement. This employee may be granted 3 days additional paid leave under miscellaneous leave.

4. Applications for leave

Applications for miscellaneous leave should follow Agency approved processes and be supported by sufficient information to enable the CEO to make an informed decision.

With specific regard to applications for miscellaneous leave relating to domestic, family and sexual violence matters, the following should be taken into consideration:

For employees making the application:

- Ensure the application provides sufficient information to allow the CEO to make an informed decision (eg. police report, medical report/certificate, counsellor's advice, lawyer's correspondence, or other appropriate information);
- Ensure the application is made for a specified and reasonable period of time;
- Ensure the application for miscellaneous leave is the most appropriate, with due regard to other accrued entitlements; and
- Understand the potential for mandatory reporting requirements as specified by the Domestic and Family Violence Act or Care and Protection of Children Act.

For NTPS managers and/or Human Resources staff receiving the application:

- Be aware of the requirements for any relevant mandatory reporting within the Northern Territory under the Domestic and Family Violence Act or the Care and Protection of Children Act and act accordingly;
- Advise the employee of the Northern Territory laws relating to mandatory reporting as soon as practicable;
- Handle all applications and supporting information with confidentiality (within the limits of the law) and with sensitivity;
- Provide referral information to support services, including but not limited by the following;
 - specialist domestic, family and sexual violence support services (listed in references); and/or
 - the Employee Assistance Program panel of providers for support;



- Consider the need for flexible work arrangements where necessary, including varying work times, contact numbers or locations as part of safety planning for the employee;
- Where necessary seek advice on other aspects of safety planning from domestic and family violence support services (listed in references) or if there is genuine concern for safety in the immediate term, contact the Police; and
- Where necessary, consider the need for appropriate communication to be provided to the work unit, in keeping with issues of confidentiality.

5. References

Legislation

- [Public Sector Management By-Laws section 18](#)
- [Domestic and Family Violence Act](#)
 - Division 2: Important Concepts
 - Section 124A: Reporting Domestic Violence
- [Care and Protection of Children Act](#)
 - Division 3: General Obligations about Reporting

Mandatory reporting

- [Report Family Violence. Be Someone.](#)
- [Mandatory Reporting Flow Chart](#)
- [Mandatory Reporting Fact Sheet](#)

Domestic and family violence referral services

- [A list of support and referral services in the Northern Territory](#)