

## *By-law 46 - Recreation Leave*

### ACCRUAL OF RECREATION LEAVE

- 46. (1) Except in the case of an employee to whom clause (2) applies, a compulsorily transferred employee may accumulate 3 years recreation leave credit.
- 46. (2) An employee stationed in Alice Springs, (including Amoonguna and Bond Springs), Finke, Jay Creek (Iwupataka) and Maryvale, may accumulate a maximum of 2 years recreation leave credit.

## *By-law 47 - Air Fares*

### ENTITLEMENT

- 47. (1) A Chief Executive Officer may, subject to this By-law, grant an employee who is permanently stationed in the Northern Territory and who travels away from the Northern Territory during a period of paid leave, an air fare to the nearest capital city, in relation to each period of 2 years service.
- 47. (2) A female compulsory transferee shall be entitled to the assessment of her entitlement and grant of fares under the provisions of By-law 33, and this By-law shall not apply.
- 47. (3) A fare entitlement under this By-law may be approved as an economy air fare, or at the employee's option, as kilometre allowance in conjunction with travel by surface transport.
- 47. (4) An employee may accumulate a maximum of 3 air fare entitlements accrued in accordance with clause (1).

### ELIGIBILITY

- 47. (5) A married male employee shall be entitled to payment of leave air fares for his wife, provided that she is not employed by the Commonwealth Public Service, an authority of the Commonwealth Government, the Northern Territory Public Sector or a prescribed authority (except as provided in clause (6)), and children under the age of 18 years, who reside with him.
- 47. (6) A married male employee shall be entitled to payment of leave air fares for his wife who was employed by the Northern Territory Public Service on or after 1 August 1987 and who, consequently, is not eligible for leave air fares in respect of her own employment.
- 47. (7) Unmarried employees to whom clause (10) or (11) does not apply, shall be entitled to leave air fares for themselves only.

## RECOGNITION OF DE FACTO RELATIONSHIP

47. (8) For the purpose of this By-law, a de facto relationship which has been in existence for at least 6 months, shall be deemed to be a marriage.
47. (9) Claims for leave air fares in respect of dependents because of a de facto relationship cannot be accepted until the relationship has been in existence for at least 6 months and any entitlement cannot be approved with effect prior to the date of the statutory declaration in which the relationship was declared or the end of the 6 month period, whichever is the later.

## ELIGIBILITY IN RESPECT OF CHILDREN

47. (10) An employee who is maintaining dependent children under the age of 18 years who reside with the employee, and who are not eligible for leave air fares from any other source, shall be entitled to leave air fares in respect of those children.
47. (11) An employee who maintains a dependent child who is -
- (a) over the age of 18 years;
  - (b) residing with the employee; and
  - (c) certified by a duly qualified medical practitioner as being a permanent invalid,

shall be entitled to leave air fares in respect of that invalid child as if that child was under the age of 18 years provided that the employee has, in all other respects, an entitlement under this By-law.

## NEAREST CAPITAL CITY

47. (12) For the purposes of this By-law, the nearest capital city is:
- (a) for Darwin - Brisbane, Sydney, Melbourne, Adelaide or Perth;
  - (b) for Alice Springs - Brisbane (via Mt Isa), Sydney, Melbourne, Adelaide or Perth (direct flight);
  - (c) for Katherine and Tennant Creek - Sydney, Melbourne or Adelaide;
  - (d) for Nhulunbuy - Brisbane or Sydney (via Mt Isa or Cairns), Melbourne (via Brisbane or Adelaide), Adelaide or Perth (via Darwin).
47. (13) Employees stationed at Katherine, Tennant Creek or Alice Springs who travel to Darwin at their own expense may be granted leave air fares from Darwin to Perth in lieu of the normal entitlement applying to those locations.

## MAXIMUM FARE ENTITLEMENT

- 47. (14) For travel by air, the maximum fare entitlement is the return economy class air fare from the employee's head station to the nearest capital city as defined.
- 47. (15) Employees have no entitlement to leave air fares for travel to Canberra or Hobart except as allowed in clauses (16) or (17).
- 47. (16) Where travel is to a destination other than the nearest capital city but travel is through a capital city, the maximum entitlement is the return economy class air fare from the employee's head station to that capital city.
- 47. (17) Where travel is to a destination other than the nearest capital city and travel is not through a capital city, the maximum entitlement is the lesser of the return economy class air fare from the employee's head station to Adelaide or the destination.
- 47. (18) Where travel is undertaken by any means other than by air, the maximum entitlement is the lesser of the return economy class air fare from the employee's head station to Adelaide, the cost of travel or kilometre allowance under By-law 34.

## OVERSEAS TRAVEL

- 47. (19) Where an employee chooses to apply the value of a fare towards overseas travel, the maximum fare payable shall be the lesser of the entitlement calculated in accordance with clause (20), or the actual cost of the overseas fare or the overseas fare package as appropriate.
- 47. (20) The fare entitlement in respect of travel overseas depends upon the port of departure from, and re-entry to, Australia in accordance with the following:
  - (a) departing from nearest capital city -  
maximum fare entitlement in accordance with clause (14);
  - (b) departing from other than the nearest capital city -  
maximum fare entitlement in accordance with clause (16) or (17), as appropriate;
  - (c) departing from Darwin -  
maximum fare entitlement of the return economy class air fare from the employee's head station to Adelaide, except that employees stationed in Alice Springs who travel to Darwin at their own expense for the purpose of departing on overseas travel from Darwin, shall be granted a maximum fare entitlement of the return economy class air fare from Darwin to Adelaide.

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## FARE ON CESSATION OF EMPLOYMENT

47. (21) An employee who resigns, retires or is retired and who, at that time, has an unused leave air fare accrued under this By-law may be granted a one way economy class air fare (and for dependents if applicable) from the employee's head station to the nearest capital city in accordance with clause (12).

## FARE VALUE

47. (22) All air fare entitlements provided in this By-law are to be calculated in accordance with the economy air fares charged by Qantas Australian for the specific journey.

## AUTOMATIC CASH PAYMENT OF AIR FARE ACCRUED ON OR AFTER 2 DECEMBER 1995

47. (23) Notwithstanding this By-law, an air fare which accrues on or after 2 December 1995 may be used in accordance with the cash payment provisions of By-law 33.

### *By-law 48 - Travelling Time*

## ENTITLEMENT

48. (1) Where an employee utilises an air fare in accordance with By-law 47 and travel is undertaken by surface transport (ie bus, train, private vehicle etc), travelling time in accordance with Appendix A of Part 7 shall be granted to the employee for the forward and return journeys.
48. (2) Travelling time is to be added to the beginning and the end of the period of leave during which the travel is undertaken and shall include weekends and public holidays.
48. (3) This By-law shall not apply to an employee employed in a teaching capacity as defined.

### *By-law 49 - Northern Territory Allowance*

## ELIGIBILITY APPLYING ON AND FROM 1 AUGUST 1987

49. (1) The Public Employment (Modification of Terms and Conditions of Employment) Act 1987 amended the legislative conditions applying to compulsory transferees, to apply the full conditions of relevant Northern Territory Allowance By-law set out in By-law 26 of Part 3, with effect on and from 1 August 1987.
49. (2) Where, on or after 1 August 1987, an employee advises of, or an Agency becomes aware of, a change in circumstances which may affect an employee's entitlement to Northern Territory Allowance, any claim shall be assessed under the provisions of By-law 26 of Part 3,
49. (3) A single parent, other than one referred to at clause (4), has no entitlement under this By-law.

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