

40. (3) The period for which the additional payment prescribed by this By-law shall be paid shall be calculated to the nearest quarter of an hour of the total amount to be claimed in each fortnightly period.
40. (4) Additional payment for rostered time of ordinary duty as provided by this By-law, shall be made in respect of any such duty which an employee would have performed had they not been on approved recreation leave.

#### *By-law 41 - Assistance with Studies*

##### APPROVED COURSE OF STUDY

41. (1) This By-law shall apply where an accredited course of study undertaken or proposed to be undertaken by an employee is recognised by the Chief Executive Officer as relevant to the Public Sector in accordance with clause (2).
41. (2) The Chief Executive Officer may determine that a course of study is relevant to the Public Sector where the Chief Executive Officer is satisfied that -
- (a) the course of study is a short course of instruction which is relevant to the functions of the Agency;
  - (b) the course of study is a first qualification which is relevant to the Public Sector;
  - (c) the course of study is a subsequent qualification which, in the opinion of the Chief Executive Officer, would be of substantial benefit to the Agency; or
  - (d) where the course of study is a course leading to a diploma, associateship or other certificate, which is relevant to the employee's career in the Public Sector.
41. (3) An employee may apply to the Chief Executive Officer for recognition of a course of study and for assistance to undertake or continue a course of study.

##### STUDY LEAVE

41. (4) The Chief Executive Officer may subject to Agency requirements, approve an application with respect to an approved course of study-
- (a) as paid study leave in relation to -
    - (i) attendance at lectures, tutorials and for similar purposes so long as the time does not exceed 8 hours per week including travelling time;

- (ii) attendance for examinations including necessary travelling time but excluding any time off required to prepare for examinations; and
    - (iii) where the employee undertakes the course of study as an external student, attendance to comply with residential requirements of the course for a period not exceeding 4 weeks in any year including travelling time;
  - (b) as study leave without pay for a period in excess of 8 hours per week for the purposes specified in paragraph (a), or on the basis that the employee make up the time granted by performance of duty at a time when they would not normally be required to perform duty.
41. (5) The Chief Executive Officer should not approve an application under clause (4) where the Chief Executive Officer is satisfied that the approved course is available outside normal working hours.

#### EFFECT OF STUDY LEAVE WITHOUT PAY ON SERVICE

41. (6) Study leave without pay granted under this By-law does not count as service for any purpose but does not break continuity for long service leave purposes where the employee -
- (a) has satisfactorily completed the course in respect of which the study leave without pay was granted; and
  - (b) upon resumption of duty after that period of study leave without pay completes a continuous period of service for -
    - (i) a period that is equivalent to the period of study leave without pay; and
    - (ii) a period of 12 months,

the period of leave taken without pay shall count as service for long service leave purposes.

#### FEES

41. (7) Where an employee is undertaking an approved course of study the employee may apply for reimbursement of fees incurred for enrolment, tuition or examination necessarily incurred in respect of that study, but not being a fee to which clause (10) refers, the Chief Executive Officer may approve reimbursement where the employee -
- (a) has produced evidence of meeting all requirements as set by the institution or course provider in relation to the unit or course of study and has satisfactorily completed the course to which the fee pertains; and
  - (b) produces proof of payment of the fee.

41. (8) The Chief Executive Officer shall not authorise reimbursement of fees which are amenities fees, graduation fees, fees payable as a result of failure by the employee to enrol by a specified time or date, or any other amount payable by the employee by reason of some act or omission on their part, or any fees which have been paid by any other organisation.
41. (9) An employee shall not be reimbursed the cost incurred for -
- (a) supplying books or materials;
  - (b) accommodation; or
  - (c) activities associated with attendance at residential institutions.

#### HIGHER EDUCATION CONTRIBUTION SCHEME

41. (10) The Chief Executive Officer shall not approve the reimbursement of the Higher Education Contribution Scheme (HECS) incurred by an employee in respect of an approved course of study unless the Chief Executive Officer is satisfied that -
- (a) the contribution arises from the attendance at the Northern Territory University except where the approved course of study is not provided at that university;
  - (b) the amount does not exceed the amount payable in relation to the discounted liability of the employee had the employee paid HECS in advance;
  - (c) the employee has paid the full amount of the contribution claimed;
  - (d) the employee has satisfactorily completed the approved course of study or unit of study; and
  - (e) the employee was employed by the Territory at the time the liability was incurred and is an employee at the time of making the application.

#### NON-REIMBURSEMENT OF FEES & HECS

41. (11) The Chief Executive Officer shall not authorise reimbursement of fees or HECS under this By-law where an employee is absent from duty on any form of leave without pay (including unpaid maternity or parental leave), and that employee has not returned to duty.