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Introduction

The Ministers’ Office Handbook provides policy and practice material for Ministers and their staff about employment and office management arrangements following implementation of Ministers’ powers to employ staff under the Members of Parliament Staff Act 2013 (MOPS Act).

The Department of Premier and Cabinet (DPC) is responsible, under the MOPS Act, for providing administrative and other support services for Ministers and their staff. These services are delivered by the Corporate and Ministerial Services Branch (CMS).

Ministers and their staff need to familiarise themselves with the contents of the Handbook and may contact CMS for clarifications and further information. The Handbook will be updated as necessary to make sure that the contents remain current and reliable, and to pick up any suggestions for improvement.

This Handbook is separate and distinct from the Ministerial Handbook. It does not duplicate material from other key sources such as the Members’ Handbooks and Guides issued by the Parliament, and the Parliamentary Remuneration Tribunal’s annual determination.

Information communicated by Premier’s Memoranda and DPC Circulars may require action by Ministers and their staff. Ministers’ offices need to monitor these materials and act on them as appropriate. Current Memoranda and Circulars are available at http://www.dpc.nsw.gov.au/announcements.

General inquiries regarding the contents of the Handbook may be referred to CMS on telephone 9228 5243.
## Terms and Abbreviations

<table>
<thead>
<tr>
<th>Term/Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ATO</td>
<td>Australia Taxation Office</td>
</tr>
<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade</td>
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<tr>
<td>DLO</td>
<td>Departmental Liaison Officer</td>
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<tr>
<td>DPC</td>
<td>Department of Premier and Cabinet</td>
</tr>
<tr>
<td>FBT</td>
<td>Fringe Benefit Tax</td>
</tr>
<tr>
<td>Government Sector Employees</td>
<td>Includes public service employees of other government sector agencies (e.g. police, teachers, transport and health workers)</td>
</tr>
<tr>
<td>GSE Regulation</td>
<td>Government Sector Employment Regulation, 2014</td>
</tr>
<tr>
<td>CMS</td>
<td>Corporate and Ministerial Services</td>
</tr>
<tr>
<td>Ministers’ Staff</td>
<td>See political office holders staff</td>
</tr>
<tr>
<td>MOPS Act</td>
<td>Members of Parliament Staff Act, 2013</td>
</tr>
<tr>
<td>Political office holder staff</td>
<td>Staff employed under Part 2 of the MOPS Act</td>
</tr>
<tr>
<td>PRT</td>
<td>Parliamentary Remuneration Tribunal</td>
</tr>
<tr>
<td>Public service employee</td>
<td>Person employed under the Government Sector Employment Act, 2013</td>
</tr>
<tr>
<td>TMF</td>
<td>Treasury Managed Fund</td>
</tr>
<tr>
<td>WHS</td>
<td>Work Health and Safety</td>
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</tbody>
</table>
Employment Policy

Employment of Ministers' Staff

Staff Categories
There are three primary categories of staff in Ministers' offices:

1. Ministers (or their delegates) may employ staff under the MOPS Act in accordance with arrangements and conditions approved by the Premier.
2. NSW Government sector employees may be seconded from agencies to Ministers' offices in accordance with clause 35 of the Government Sector Employment Regulation 2014 (GSE Regulation).
3. Department Liaison Officers (DLOs) may be assigned from agencies to Ministers' offices to assist with office operations (see DPC Circular 2016-03 Department Liaison Officers for details of DLO arrangements).

Prior to any employment contract or other employment arrangement being agreed, approval must be granted by the Premier’s Chief of Staff on a case--by--case basis.

Other types of employment
In addition to the three primary categories of staff in Ministers' offices, people may be employed or engaged under other arrangements with Ministers’ offices. This includes interns, volunteers, agency temporary staff, contractors, secondments not covered by the GSE Regulation, and any other person identified to work in a Minister’s office. Details of any such proposed engagements need to be approved by the Minister’s Chief of Staff on a case--by--case basis in consultation with the Premier’s Chief of Staff, prior to commencement. Unless otherwise provided, the NSW Office Holder’s Staff Code of Conduct applies in all cases.

Conditions of Employment
Under the MOPS Act, the Premier, and the Premier’s Chief of Staff, as the Premier’s delegate, determine the conditions of employment for Ministers’ staff. Sources are:

- The Determination by the Premier of Conditions of Employment for Political Office Holders’ Staff (see ATTACHMENT A); and
- Material published in this Handbook in relation to Ministers’ staff, which also constitutes conditions of employment.

Ministers’ staff employed under the MOPS Act and those seconded under the GSE Regulation must comply with:

- The NSW Office Holder’s Staff Code of Conduct (see ATTACHMENT B) which requires compliance with:
  - The NSW Lobbyists Code of Conduct
  - Record-keeping requirements under the State Records Act 1998, the MOPS Act and the Government Information (Public Access) Act 2009.
  - Responsibilities under work health and safety legislation.
- Gifts, Hospitality and Benefits Policy for Office Holder Staff (see ATTACHMENT C).
- Personal Interest Declaration for Office Holder Staff (see ATTACHMENT D).
- Ministers’ Staff Acceptable Use of Communication Devices Policy (see ATTACHMENT E).

Relocation Assistance for Political Office Holders’ Staff
See ATTACHMENT F for the policy.

Severance Payments for Political Office Holders’ Staff
See ATTACHMENT G for the Policy and undertaking.
NSW Government Sector Employees Seconded as Political Office Holders’ Staff

See ATTACHMENT H for details on salary maintenance for NSW Government sector employees.

Criminal Records Checks and Security Clearances
The employment of Ministers’ staff is subject to the requirement to have a criminal records check. A security clearance may be required where the Minister or their delegate determines it is necessary for performing the duties of their role. Criminal records checks and security clearance may be carried out from time to time. Staff are encouraged to disclose criminal convictions or potential security concerns should they arise during the term of their employment.

Recognition of Prior Service with the Government Sector
Service with NSW Government sector agencies and Ministers’ offices may be recognised for severance (see ATTACHMENT G) and for extended leave purposes (see ATTACHMENT I), on a case--by--case basis.

Orientation
Staff members need to participate in the orientation program for Ministers’ staff as notified by the Minister or delegate.

Ministers’ Staff at Work

Salary Sacrifice
Ministers’ staff may salary sacrifice for the following benefit items:

- Education (self and professional)
- Additional employee contributions to private superannuation funds
- Motor vehicles (100% private novated leases)
- Laptop or notebook computer (mostly used for work purposes).

Workplace Surveillance
Records created from electronic surveillance at the workplace may be used for security, employment and work health and safety purposes.

These records will only be disclosed outside employment processes in accordance with official procedures for release of confidential employment information or as required by law.

Working from Home
Any working from home arrangements will be in accordance with office and business practice within the Minister’s office.

Disclosure of Information -- Confidentiality
Staff members will obtain and generate information in the course of employment and must not use or disclose such information that is not in the public domain unless the use or disclosure is required by law, made in the proper performance of a staff member’s duties, or approved by the Minister. The obligation not to disclose any classified information continues after a staff member’s employment ends, unless the disclosure is required by law or approved in writing by the Minister.

Learning and Development
Staff members may participate in learning and development programs for Ministers’ staff as notified by the Minister or delegate from time to time. Decision--making is based on the following criteria:

- the program is relevant to the staff member’s work, or required for the operational needs of the Minister’s office; and
- sufficient funds are available in the Minister’s office budget.
Study Assistance
In certain circumstances, study assistance may be approved for a staff member. Such approval will be based on the following criteria:

- the program is relevant to the staff member’s work, or required for the operational needs of the Minister’s office; and
- sufficient funds are available in the Minister’s office budget.

Study assistance may be approved by the Chief of Staff as financial delegate, and by the Minister in the case of the Chief of Staff. Study assistance for the Chief of Staff also needs to be approved by a DPC financial delegate.

The study must contribute to and not be detrimental to the performance of the staff member’s job.

Applications for study assistance need to be made in the calendar year the course of study is being undertaken.

The study assistance provided can be up to $6,000 per annum or the actual annual cost, whichever is the lesser, for course fees, student fees, HECS and any associated costs.

The cost is paid from the Minister’s office budget.

Payment may be made to the relevant institution at the beginning of each term/semester. Alternatively, the staff member may be reimbursed for costs incurred on production of all receipts.

Study assistance must be refunded by the staff member if unsuccessful during the term/semester. Costs for repeating the failed subject/course (up to the $6,000 limit) may be reimbursed upon successful completion.

Staff who terminate their employment and who have received financial assistance for a course of study within the previous twelve months must repay the amount as part of the termination arrangements.

See ATTACHMENT J for a copy of the Study Assistance Application for Office Holder Staff.

Work Environment
Work Health and Safety
Everyone working in a Minister's office, including staff, contractors and visitors, must comply with the Work Health and Safety Act 2011.

The best way to manage work health and safety is through managers and staff working together to identify and solve work health and safety problems. This commitment includes regular consultation with staff and, where necessary, with contractors and suppliers of equipment and services to make sure work health and safety is being managed effectively.

See ATTACHMENT K for work health and safety.

Security, Emergency Management and Business Continuity
Everyone working in a Minister's office, including staff and contractors, must be fully cognisant of all security, emergency management and business continuity requirements applying to 52 Martin Place and Parliament House. They must comply with directions associated with security related incidents that may impact on normal operations or business continuity. Visitors to Ministers’ offices must comply with directions as notified by authorised persons.

Support for Employees Experiencing Domestic Violence
Employees who experience domestic or family violence may take leave in accordance with Treasury Circular NSW TC 14/16.
Employee Assistance Program (EAP)

All employees have access to the EAP at any time by calling 1300 687 327.

The EAP provides access to free, confidential and independent counselling and support for a range of issues including relationship, stress and anxiety, depression, grief and loss, substance abuse, bullying and harassment, conflict resolution, and work related concerns. Services are currently provided by Converge International.

Prevention and Management of Bullying, Harassment and Discrimination in the Workplace

Ministers’ offices need to be workplaces free from bullying, harassment and discrimination, and need to provide processes for resolution of issues as quickly and as close to the source as possible.

The Chief of Staff needs to deal with workplace behaviour issues in a proactive manner so that minor issues are not escalated. All parties to a grievance or dispute are expected to exercise goodwill and cooperate in resolving the matter.

See ATTACHMENT L for details on workplace conduct.

Assistance for People with Writing Difficulties

The following guidance is provided to avoid the possibility of inadvertent discrimination against people with writing difficulties.

When a member of the public requests a meeting with a Minister or the Minister’s office, it is routine practice to advise the person to submit a written request.

This practice may result in inadvertent discrimination if the person requesting a meeting is unable to put the request in writing, such as people with dyslexia.

People unable to put the request in writing may complain to the Anti-Discrimination Board about indirect discrimination, and may receive financial compensation for unlawful discrimination.

Please be alert to the need for people with writing difficulties to be assisted in complying with a requirement to put requests for meetings in writing. As an example, if a member of staff receives a request by telephone for a meeting, and the person advises that they cannot put the request in writing:

- Inquire about the purpose of the meeting and explore whether a meeting with a person from a portfolio agency might be more helpful than a meeting with the Minister or the Minister’s office – if this is acceptable, provide the appropriate agency contact; this approach may be appropriate where specialist assistance is needed on a complex matter and an agency has an advisory service.
- If the person confirms the request for a meeting with the Minister or the Minister’s office, inquire if they have a family member, friend or support service who could assist with putting the request in writing – if this is acceptable, assistance from the Minister’s office with putting the request in writing is not needed.
- If the person asks for assistance from the Minister’s office with putting the request in writing, decide who will assist, and advise the person how assistance will be provided – the member of staff providing assistance should record the person’s name, contact details, the purpose of the meeting, preferred dates and times and how they want to be notified about the decision on the request, and submit the request in accordance with usual office practice. A copy of the written request should be provided to the person who requested the meeting. The decision on the request should be issued in accordance with usual practice, in the form of advice preferred by the person.

The source document on this matter is DPC Circular 2008-10.
Ministers' Office Budgets

Funding and Expenditure
Ministers’ office budgets are drawn from DPC’s annual financial allocation to cover employee related expenses, accommodation and other operating expenses. It is expected that all Ministers’ offices will run according to budget and manage within budget limits. The following rules apply:

- Within the total funding envelope for Ministers’ offices, changes in Ministers’ office budget allocations need to be approved by the Premier or the Premier’s Chief of Staff as authorised by the Premier.
- Savings from Ministers’ office budgets cannot be carried forward to later financial years.
- Expenditure from Ministers’ office budgets must be approved by a financial delegate operating in accordance with the Premier’s delegations and complying with the Public Finance and Audit Act 1983. Each Minister’s office is a separate cost centre for financial management purposes, and expenses need to be coded and recorded correctly in the finance system.
- Ministers’ office budgets are intended to fund official business expenses of Ministers and their staff and these budgets must not be supplemented with external alternative funding.

Expenditure Classifications
The following guidance is provided to assist Ministers’ staff in assigning expenses to the appropriate source of funding.

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister’s office budget</td>
<td>Minister’s office expenses</td>
</tr>
<tr>
<td>Funding for parliamentary duties</td>
<td>Minister’s performance of parliamentary duties</td>
</tr>
<tr>
<td>Portfolio agency budgets</td>
<td>Agency functions</td>
</tr>
</tbody>
</table>

Financial Delegations
The following general financial delegations have been issued to Ministers’ staff.

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Financial Limit (including GST)</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premier’s Chief of Staff</td>
<td>$25,000</td>
<td>Premier’s office activities only</td>
</tr>
<tr>
<td>Premier’s Deputy Chief of Staff</td>
<td>$25,000</td>
<td>Premier’s office activities only</td>
</tr>
<tr>
<td>Premier’s Executive Officer</td>
<td>$10,000</td>
<td>Premier’s office activities only</td>
</tr>
<tr>
<td>Minister’s Chief of Staff</td>
<td>$5,000</td>
<td>Minister’s office activities only</td>
</tr>
<tr>
<td>Minister’s Executive Officer</td>
<td>$2,000</td>
<td>Minister’s office activities only</td>
</tr>
<tr>
<td>Do:</td>
<td>Do Not:</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1. Familiarise yourself with the delegations.</td>
<td>1. Approve any expenditure where it relates to a purchase for you (e.g. your own business travel arrangements).</td>
<td></td>
</tr>
<tr>
<td>2. Keep a copy of the delegations handy for easy reference.</td>
<td>2. Approve matters where you do not have any responsibility.</td>
<td></td>
</tr>
<tr>
<td>3. Know your own delegation limits.</td>
<td>3. Approve matters that might require special consideration of a higher delegate.</td>
<td></td>
</tr>
<tr>
<td>4. Exercise the delegation only for the purpose for which is has been given.</td>
<td>4. Sign without checking that you have the required level of delegation.</td>
<td></td>
</tr>
<tr>
<td>5. Exercise delegations in accordance with policies and directions issued by the Premier, or delegate.</td>
<td>5. Exercise delegations where the matter creates, or could be perceived to create, a conflict of interest.</td>
<td></td>
</tr>
<tr>
<td>6. Check carefully any documents/orders you sign as a delegate to ensure compliance with relevant policies and procedures.</td>
<td>6. Exercise delegations unless your job title appears in the Financial Delegations.</td>
<td></td>
</tr>
<tr>
<td>7. If you are relieving in another job, you may exercise the delegations for that job.</td>
<td>7. Approve any matter that is not specifically included in your delegations (i.e. do not attempt a &quot;best fit&quot;), with such approval to be sought from an appropriate delegate.</td>
<td></td>
</tr>
<tr>
<td>8. Before approving expenditure, ensure that your job title appears in the Financial Delegations.</td>
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<td></td>
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</tbody>
</table>

**Purchasing Goods and Services**

The NSW Government policy on purchasing goods and services provides that:

- Purchases must be made from suppliers under period contracts established by the NSW Department of Finance, Services and Innovation, where available.
- For goods and services where period contracts have not been established, the conditions of the NSW Procurement Board’s [General Purchasing Delegation](#) must be observed.

**Budget Management**

CMS provides the following services:

- Monthly finance reports, showing current month and year--to--date actual expenditure to budget per reporting category
- Year--to--date actual expenditure transaction reports (showing line items)
- Forecast report for the current financial year by month with actual monthly expenditure to date
- Certifications that staffing proposals are within budget
- Financial systems support
- Monitoring expenditure against budget

**Verification of Expenditure**

CMS Finance and Procurement provides each Minister’s office with a detailed expenditure transaction report together with the monthly finance report.

Ministers’ offices need to verify that expenses allocated to their cost centre were incurred by them.

Any issues should be referred back to CMS Finance and Procurement for investigation.
Expenditure Records
GovConnectNSW maintains records of expenditure for accounting and audit purposes, and Ministers’ offices do not need to keep duplicate copies of expenditure approvals lodged with GovConnectNSW.

Finance Practices

Credit Cards

NSW Government-issued Credit Cards

NSW Government-issued credit cards must only be used for official overseas business trips and official business purposes. NSW Government-issued credit cards for official business trips overseas will be held with government contract bankers and used within credit limits imposed.

Ministers’ offices may arrange short-term credit cards with CMS Finance and Procurement prior to official business trips overseas (ideally CMS Finance and Procurement should be given 10 business days’ notice of the requirement for a new card). Each staff member travelling with the Minister may request a card. These cards must be returned to CMS Finance and Procurement at the completion of the trip.

Upon receipt of the credit card statement, credit card holders need to complete a credit card reconciliation and send it to CMS Finance and Procurement.

Private Credit Cards

While Ministers and their staff must not use NSW Government-issued credit cards within Australia, they may use their private credit card for any official business expense in Australia or overseas. Reimbursement of such expenses needs to be supported by expenditure records and receipts.

Ministers and their staff may wish to obtain a private credit card exclusively for official business expenses.

Fringe Benefits Tax (FBT)

FBT is a tax paid by the employer in respect of a fringe benefit “paid” to an employee, but in a form different from salary or wages.

FBT is payable on the following benefits:

- Hospitality benefits received by staff, unless the staff meet their own expenses. Food and beverages consumed at official functions or in the Parliament House dining room are examples of hospitality that attract FBT liability. Certification of accounts needs to include the number of staff attending such functions to assist in calculating FBT liability
- The use of drivers and vehicles for private trips
- Car parking spaces provided for staff
- Study fees paid in circumstances where the fees would not have been a tax deduction if paid by the employee
- Home security installations and monitoring services for Ministers’ private residences.

FBT is not payable on the costs of mobile phones provided for Ministers and former office holders primarily for business purposes.

Any FBT queries should be referred to CMS.
Reportable Fringe Benefits

Each year the Parliament requests advice on Ministers’ reportable fringe benefits for inclusion on Ministers’ payment summaries (group certificates) as the Parliament’s finance service provides payroll services for Ministers.

Where the taxable value of a Minister’s individual fringe benefit amount:

- Is $2,000 or less, the Parliament is not required to report an amount on the Minister’s payment summary.
- Exceeds $2,000, the grossed-up value of that amount (calculated in accordance with an ATO formula) must be shown on the Minister’s payment summary. Fringe benefits provided in the period 1 April (Year 1) to 31 March (Year 2) are included on the payment summary for the income year ending 30 June (Year 2).

Reportable fringe benefits for Ministers include the use of Ministers’ official vehicles and drivers for private purposes and expenditure on transport, accommodation, meals and incidentals for Ministers’ spouses, or approved relative or carer, accompanying Ministers in the course of official duties (see Spouse, Approved Relative or Carer in SECTION 3 for more details).

The amount of reportable fringe benefits shown on a payment summary is not included in the Minister’s assessable income, but is included in a number of income tests relating to the following Commonwealth Government benefits and obligations:

- Child support payments
- Higher education learning program (HELP) repayments
- Medicare levy surcharge
- Personal superannuation deductions
- Rebate for personal superannuation contributions
- Rebate for contributions to a spouse’s superannuation.

Professional Advice

If Ministers and their staff are interested in the effect of reportable fringe benefits for their private circumstance they may wish to seek professional advice.

Use of Taxis for Business Purposes

Taxis are an option for business trips, including trips:

- Home after evening duty (e.g. when Parliament is sitting, when required to perform the duties of the job, etc.), where public transport is not reasonably available or where it may be unsafe to use public transport.
- Generally use of taxis for these purposes would occur after 8:00pm.
- To or from the airport in connection with early morning or late night flights on official trips.
- To meetings when it would be unsafe or uneconomical to use public transport.

Taxi fares may be paid by any means available to Ministers’ staff and acceptable to the service provider. For convenience, payments may be made using Cabcharge TAXI eTICKETs, which may be obtained from GovConnect. Cabcharge FASTCARDs are not to be provided for Ministers’ staff without prior consultation with the Executive Director, CMS and the approval of the Premier’s Chief of Staff.

Mobile Telephones

Ministers and their staff may use mobile telephones for business and private purposes.

Under the current mobile plans all local and Australia-wide calls to land lines/mobiles and texts are included in the plan. Premium service calls, international calls and global roaming services are outside of the plan and still chargeable based on the principles below.

Ministers’ staff mobile phone charges are paid from the Minister’s office budget with the exception of the items listed below, which need to be paid as a private expense:
• Personal international calls from within Australia
• Personal travel related global roaming charges
• Personal premium number service calls

Any personal calls which are outside the plan need to be declared and paid for monthly. Declarations are not required otherwise.

Mobile Applications

CMS ICT will create an AppleID to register iPhone and iPad devices and to enable the download of business related mobile applications (Apps) e.g., newspaper applications.

Staff may create a personal AppleID to download private music and Apps using their name. Instructions are at: https://appleid.apple.com/cqi-bin/WebObjects/MyAppleId.woa/.

• A credit card may be required to facilitate the downloading of applications and staff need to use their private creditcard. NSW Government–issued credit cards must not be used to create an AppleID or similar accounts.
• Instructions on creating an AppleID without a credit card are at: http://support.apple.com/kb/ht2534

Staff must not use work-supplied mobile devices to subscribe to and access fee-based mobile services that are for private purposes only. Examples are Premium telephone services (like 1900 numbers), on-line games and phone-activated acquisitions like coke vending machines.

Global Roaming

Access to global roaming is switched off as the default setting on all mobile services. Staff requiring access for official business purposes need to advise CMS ICT to enable activation. The roaming services available are international mobile phone calls (voice services) and international email and internet access (data services). Once switched on, voice services continue until switched off. Data services are provided on a month-by-month basis.

Parliament House Account

As Members of Parliament, Ministers have credit facilities extended to them for dining and hospitality at Parliament House. The facilities may be used for business or private purposes.

Expenditure incurred for:

• Ministers’ business purposes (i.e., related to duties as a Minister) is paid from the Minister’s office budget.
• Other purposes (i.e., as a Member of Parliament rather than for duties as a Minister) is paid by the Minister as a private expense and must not be paid from the Minister’s office budget. It must also not be reimbursed from the Minister’s office budget or any portfolio agency.

Parking Space Levy

Staff employed under Part 2 of the MOPS Act or seconded under the GSE Regulation who are provided with a car parking space by their employer, must pay the parking space levy as a private expense. The annual cost of the levy is set under the arrangements established by the Parking Space Levy Act 2009 and the Parking Space Levy Regulation 2009. Payment will be recovered from the user through fortnightly payroll deductions.

Wreaths, Flowers and Donations

Wreaths or flowers may be purchased from the Minister’s office funds to be given as an expression of sympathy and condolence on the occasion of funerals or memorial services for people who have made significant contributions within the Minister’s portfolio. Where families or representatives indicate a preference for a donation to an entity that provides public benefit, a donation of similar value to the cost of wreaths or flowers may be made. Expenditure for these purposes should be guided by community standards. Particular care should be taken to distinguish between official and private purposes, and overlaps with agency responsibilities must be avoided.
Gift Giving
The decision to present a gift is at the discretion of the Minister, having regard to both appropriateness and economy (See ATTACHMENT M).

DPC Protocol is available to provide advice including suggestions and details of suppliers. DPC Protocol can be contacted on protocol@dpc.nsw.gov.au.

Petty Cash
To facilitate the reimbursement of minor out of pocket expenses an office may choose to run a petty cash float. Only official business expenses may be reimbursed from petty cash.

- A staff member must be nominated to manage the petty cash float and will need to: Keep the petty cash records up to date.
- Make recoupments regularly.
- Keep petty cash funds locked in a safe place and make sure the key is held securely. An unlocked office desk does not offer suitable security for the petty cash float or for the key.

Instructions on petty cash operation are published in Treasurer’s Direction 290.

The current limit for individual purchases is $100. Purchases must not be “split” to bring them within the limit. Supporting documentation (e.g., receipts) needs to be obtained whenever possible. Petty cash claims must be certified and authorised prior to payment.

An alternative to an internal petty cash system for Ministers’ offices is to use GovConnect’s cashier services.

Payment of Debt to Employer
Ministers’ staff need to pay any debts to DPC in accordance with any notice issued. Where the debt is larger than may reasonably be paid in a single payment, a time payment plan may be approved by the Minister.
**Transport for Official Business**

In accordance with this Handbook, Ministers and their staff are authorised to travel at public expense for official business. This section of the Handbook is the authoritative source of guidance in respect of such travel. It covers air travel, accommodation, car hire and the use of official motor vehicles.

Travel for private purposes must never be charged to the Minister’s office budget and private expenditure while travelling must not be incurred on an official credit facility.

**Approval for Official Travel**

Travel in the course of duty by Ministers’ staff must be approved in advance in accordance with office and business practice within the Minister’s office.

Overseas travel by the Minister and Ministers’ staff must be approved by the Premier.

**Absence of Ministers when Travelling and Appointment of Acting Ministers**

This section deals with absence of Ministers in the course of official business travel. Full details of Ministerial arrangements during absences are set out in Premier’s Memorandum 2014-02.

Ministers need to make arrangements for the appointment of an acting Minister when they:

- will be interstate for a period of two weeks or more; and
- will be overseas, except if the trip will be for a very short period of only a day or two.

Requirements for the Premier’s approval for official business trips overseas are set out later in this Handbook.

**Spouse, Approved Relative or Carer**

The cost of a Minister’s spouse or approved relative’s travel to accompany the Minister to an official function is paid from the Minister’s office budget.

An “approved relative” means the mother, father, sister, brother or a child of the Minister, who is at least 16 years of age and certified by the Minister as assisting the Minister regularly by carrying out those official duties usually performed by a spouse.

The Minister should nominate an approved relative, in relation to their role as Minister, to the Premier in writing. This process is separate from the nomination of Members’ approved relatives to the Presiding Officers of the Parliament.

Ministers travelling with a dependent child, in connection with official business in Australia and overseas, may be accompanied by a carer in lieu of a spouse or approved relative. The cost of the carer’s travel is paid from the Minister’s office budget. Any additional costs incurred as a result of dependent children accompanying a Minister when travelling on official business must be paid by the Minister as a private expense.

Where the Minister has a spouse or de facto spouse, the travel provisions in this section are not available to any other person, except for a carer for dependent children as described in the preceding paragraph.
Travel Bookings

The Government uses its volume to negotiate preferential government rates. “NSW Government rates” are only available for official travel booked through the NSW Government’s approved travel management supplier, FCM Travel Solutions.

In regards to air charters, in the event that the FCM is unable to supply an appropriate aircraft or to meet travel timetables other travel suppliers may be engaged.

NSW Government-issued credit cards and official accounts must never be used to make bookings for private purposes in any circumstances, even if it is intended that the cost will be reimbursed at a later date.

Air Transport and Accommodation and Ground Transport

All domestic and international travel bookings for official business must be made through the NSW Government’s approved travel management supplier, FCM Travel Solutions.

Travel covered by the NSW Government contract includes: commercial and charter air travel, accommodation, and ground transport (car hire, rail, coach and ferry). Group bookings should also be carried out through FCM Travel Solutions.

The approved supplier may be used to book private travel, but “NSW Government rates” must not be applied to the private travel.

If private travel is booked through the approved supplier as an adjunct to official travel, the private booking must be approved by the Minister’s Chief of Staff.

Financial commitments for travel expenditure from the Minister’s office budget need to be made within office arrangements approved by the Chief of Staff as an authorised financial delegate.

If official business travel by a Minister and/or their staff will include someone travelling privately, the bookings for official and private travel may be made at the same time through the NSW Government approved supplier provided that:

(a) “NSW Government rates” must not be applied to the private travel; and

(b) The private travel must be paid for separately at the time of booking using a private credit card.

If official business travel within Australia by a Minister and/or their staff will involve private travel as an adjunct to official travel, the bookings for official and private travel may be made at the same time through the NSW Government approved supplier in accordance with rules (a) and (b) above.

The ‘lowest logical fare of the day’ (i.e., the cheapest fare available meeting the traveller’s logistical needs) needs to be used for all domestic flights and a Minister or their staff may only specify destination, date and nominated time, and not airlines.

The approved supplier must be advised of any cancellations to bookings prior to travel to enable appropriate credit to be claimed. Any hardcopy ticket(s) already obtained need to be returned immediately on cancellation.

Car Hire

Cars may be hired for official business purposes in Australia and overseas. All car hire bookings should be made through the approved travel management supplier.

For combined driver and car hire services there isn’t a government contract. These services can be sourced from any supplier that fulfils the business need or booked through the approved travel management supplier.
Please refer to Air transport, accommodation and ground transport for full travel booking rules.

**Rail Transport**
Bookings for official rail transport should be made through the approved travel management supplier. Discretion may be used for short journeys.

Please refer to Air transport, accommodation and ground transport for full travel booking rules.

**Loyalty Schemes and Airline Lounges**
Benefits from airline, car or hotel loyalty schemes or lounge memberships may be accepted, but are not to influence travel decisions.

If a Minister or their staff accrue any airline loyalty points for official business trips at NSW Government expense, these points may be used to pay for further official business trips. Airline loyalty points must not be used to pay for private benefits.

Any outstanding Frequent Flier or status points accrued from official business trips at NSW Government expense must be sacrificed in writing by the account holder to the airline(s) concerned as follows:

- For Ministers - when their appointments end;
- For Ministers’ staff - when their employment is terminated.

**Processing Travel Claims**
Claims for official travel expenses by Ministers and their staff need to be lodged with GovConnect within one month of the last day of the official travel. Travel expense claims should be supported by written documentation (e.g., air tickets, boarding passes, receipts and approvals).

**Official Business Trips Within Australia**

**Travel Rules and Costs**

**Ministers**
Ministers may approve their own official business trips within Australia. The cost of these business trips is paid from the Minister’s office budget.

When a Minister travels within Australia on parliamentary business in their capacity as a Member of Parliament, parliamentary rules apply. Costs are paid by Parliament.

When the trip is a combination of parliamentary and Minister’s business, a primary purpose test should be applied to decide the source of funds for the entire trip or segments of the trip.

**Ministers’ Staff**
Official business trips within Australia by Ministers’ staff must be approved by the Minister or Chief of Staff. The cost of these business trips is paid from the Minister’s office budget.

**Agency Employees**
Where agency employees accompany the Minister, their costs need to be paid by the relevant agency and must not be paid from the Minister’s office budget.
Class of Air Transport
While economy class is to be used for all official travel in Australia generally, business class or premium economy may be used by Ministers and their staff to fly between NSW and Western Australia or the Northern Territory. Where Ministers’ staff accompany the Minister on the same flight, they may use the same class of transport if required to do so by the Minister.

Air Charter
Ministers are strongly encouraged to use scheduled airline services where possible.

Subject to financial delegations, light aircraft or helicopter services may be chartered in special circumstances to assist Ministers to meet official commitments (e.g., when scheduled air services or alternative means of transport are unsuitable for the Minister’s specific transport needs). Costs are paid from the Minister’s office budget.

Air Charters should be booked through the NSW Government approved supplier for travel management services, FCM Travel Solutions. In the event that the FCM is unable to supply an appropriate aircraft or to meet travel timetables other travel suppliers may be engaged.

Safety must be the principal factor when selecting a charter service. Other factors are flight regulations, distance to be travelled, Minister’s timetable, capacity of landing field, availability of suitable aircraft (especially at short notice) and cost. Having regard to these factors, the Minister may specify the following charter service features:

- Fixed wing aircraft or helicopter
- Number of seats
- Piston or jet engines
- Single or twin engines
- One or two pilots
- Qualifications and experience of crew
- Certification of maintenance standards
- Quality assurance systems, maintenance facilities and age of aircraft

The use of aircraft owned by government sector agencies should be considered where they are available for charter, suitable for the Minister’s needs, meet the Minister’s charter service preferences and are cost competitive with other suppliers.

Air Charter and Car Hire in Country Areas
The Minister may use light charter aircraft in country areas if this is regarded as essential to carry out official inspections effectively, or to fulfil the Minister’s commitments, when it is considered inappropriate to use commercial airline facilities, the Minister’s official vehicle or other available forms of public transport. Car hire services may be used as an alternative.

Air Charter and Non-Official Passengers
Ministers may approve non-official passengers travelling on chartered aircraft.

The term non-official passenger refers generally to passengers who are not:

- public officials whose remuneration and/or transport expenses are paid from public funds; or
- a passenger travelling in accordance with this section of the Handbook (e.g., an approved relative).

Non-official passengers carried at public expense may include representatives of the media where the travel would extend understanding of government policies and be in the public interest. However, non-official passengers must not be carried at public expense for party political purposes.

If the cost of each non-official passenger is to be recovered, the amount to be recovered should be either:
- the scheduled commercial economy class fare equivalent; or
- the pro rata cost of the passenger’s travel if that is less than the scheduled service fare; or if there is no scheduled commercial service. The pro rata cost should be calculated on the total invoice cost.

Insurance coverage for injury to passengers is included in the price of aircraft charters in Australia. This is a requirement of the Civil Aviation Safety Authority which issues airlines with certificates of insurance coverage.

**Ministers’ Expenses for Official Business Trips within Australia**


For official business trips within Australia:

- Ministers may claim reasonable actual expenses for overnight absences from Sydney or their electorate/principal home residence. Where an overnight absence is not required, Ministers may claim reasonable actual meal expenses.
- The PRT has set the rates for claims as indicative upper limits for actual expenditure. It is not intended that Ministers claim indicative upper limits in full where actual expenditure has been lower than the indicative upper limit.
- Actual expenses will be paid (either lower than or higher than the indicative upper limits) subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Minister.

Ministers’ expenses for official business trips within Australia are paid from Ministers’ office budgets.

Allowable travel claims are intended to meet accommodation costs and incidental expenses such as meals, etc., while Ministers are away from their headquarters on official business. For this purpose, Sydney is regarded as the headquarters of all Ministers and the policy on reimbursement of actual expenses for official business trips does not apply in respect of any functions undertaken by Ministers in the Sydney metropolitan area.

Ministers are entitled to receive reimbursement of actual costs for reasonable out-of-pocket expenses while on overnight absence from Sydney on official business. Reimbursements will be paid, provided receipts are presented, for reasonable out-of-pocket expenses such as laundry and dry cleaning, taxi fares other than for official business, newspapers and magazines, and private telephone calls.

Where a Minister represents an electorate outside the metropolitan area, or, in the case of a Minister in the Legislative Council, maintains a principal place of residence outside Sydney, the policy on reimbursement of actual expenses for official business trips does not apply in respect of a visit to the electorate or area in which the Minister maintains the residence, when the Minister undertakes an official function in the vicinity of the Minister’s home.

Where a Minister’s spouse/approved relative accompanies the Minister to a State or other business function and the Minister consequently incurs expenses in respect of meals and accommodation exceeding the indicative upper limit of expenses for the Minister, the Minister is entitled to reimbursement of the additional expenses associated with the spouse/approved relative. All such claims should be certified by the Minister and contain, above the signature, the following certification: “I certify that the expenses claimed above were incurred on behalf of my spouse (or approved relative) when he/she accompanied me to official functions as shown”.
Travel Expenses for Ministers’ Staff on Official Business Trips within Australia

Ministers’ staff may be reimbursed for the actual travel expenses (with receipts) incurred on official business trips within Australia.

Where Ministers’ staff do not require overnight accommodation, they may claim reasonable actual meal expenses (with receipts). Where the trip involves an overnight stay, staff may be reimbursed for accommodation, meals and incidental expenses (with receipts). Any costs charged to an account (e.g., accommodation) need to be included in the total approved costs for the trip.

The indicative upper limits are issued annually by NSW Treasury. The rates are available at Treasury Circular NSWTC16-10. The Treasury website should be checked for the latest rates. Different daily indicative upper limits are specified by the Australian Taxation Office (ATO Determination TD 2016/13) for staff in three different cash salary ranges.

In circumstances where costs unavoidably exceed the indicative upper limits (e.g., limited availability of accommodation, direction by the Minister to stay in the same accommodation as the Minister), reimbursement of actual expenses incurred (with receipts) may be approved on a case-by-case basis.

Actual travel expenses are paid from the Minister’s office budget.

Official Business Trips Overseas

Premier’s Approval

The Premier’s approval in-principle must be obtained before a Minister enters into any firm commitments for an official business trip overseas. Ministers’ proposals will be considered on their merits having regard to factors such as the NSW Government’s International Engagement Strategy.

Cabinet Secretariat facilitates the process for the Premier’s approval of overseas travel by Ministers and their staff.

Official business trips to New Zealand and Papua New Guinea by Ministers are classified as overseas trips, requiring the Premier’s approval as an official visit before the Minister enters into any firm commitments to visit these localities.

The initial approach to the Premier should be made well in advance of the anticipated departure date. The following information should be provided:

- Reasons for the proposed visit
- Specific objectives relating to the Minister’s portfolio, and arrangements proposed for inter-Government consultations and/or industry representative discussions
- Advice to the Premier from the relevant Secretary explaining how the Minister’s proposed overseas program is aligned with agency business objectives and designed to achieve the best possible benefits for the State
- Period of expected absence from Australia
- Name of Minister available to act during the absence
- Name and title of any Minister’s staff and other staff accompanying the Minister, along with a statement of where travel expenses will be paid from
- Name and relationship of any person(s) accompanying the Minister in a private capacity, including a spouse or approved relative, irrespective of the funding source
- Country or countries to be visited

Note: If a person accompanying the Minister is travelling for private purposes, all additional costs are paid as a private expense (e.g., the cost of accommodation shared by the Minister and their spouse is treated as a business expense if
the cost is the same as for the Minister alone, but any additional accommodation costs, and the cost of food and incidental expenses for the Minister’s spouse, are paid as private expenses).

A copy of the detailed itinerary should be referred for the Premier’s consideration and approval well before the date of departure.

During overseas missions Ministers should consider weekends and public holidays as normal working days. Every effort should be made to utilise time towards the overall mission.

**Travel Rules and Costs**

**Ministers**

When the Minister is required to travel overseas on official business in their capacity as a Minister, Ministers’ travel rules apply. Costs are paid from the Minister’s office budget.

When a Minister travels overseas on parliamentary business in their capacity as a Member of Parliament, parliamentary rules apply. Costs are paid by Parliament.

If a Minister travels overseas for private purposes while in office, costs are paid by the Minister as a private expense.

**Ministers’ Staff**

Costs of Minister’s staff required to accompany the Minister on official business overseas are also paid from the Minister’s office budget.

**Spouses, Approved Relatives or Carers**

As a general rule, spouses or approved relatives, or carers in lieu of a spouse or approved relative, should not attend at State expense. Any circumstances warranting official travel by the Minister’s spouse/approved relative (e.g. an invitation to an official function where there is an expectation that the Minister and spouse would attend), should be included in the Minister’s proposal to the Premier regarding the overseas trip.

The Premier’s spouse plays an ambassadorial role for the State and this provides direct benefit to NSW. If the Premier’s spouse is travelling overseas with the Premier and if their participation is substantially in an official capacity (i.e., they attend official events, meetings, site visits, etc.), the cost of travel may be paid for by the State. This includes the cost of flights, accommodation, security protection, protocol support and logistics and ground transportation. If there is a component of travel in a private capacity, then the Premier’s spouse should pay for that part privately.

**Agency Employees**

Where agency employees accompany the Minister, the costs in relation to those employees should be paid by the relevant agency and must not be paid from the Minister’s office budget.

**Invitations at the Expense of another Government**

For visits at the invitation and expense of another Government, the Minister only is to attend.

**Attendance at Functions, etc.**

For attendance at international functions, openings of Government offices overseas, important conferences, trade missions or trade related matters, visits significant to the future development of the State, reciprocal visits, the Minister is to attend and senior portfolio agency official(s) where appropriate. Each proposal will be considered on its merits.
Sponsored Visits
Ministers should not accept, for themselves or their families, offers of sponsored overseas visits where costs would be paid by a private/commercial organisation, whether connected directly with their responsibilities or not.

Class of Air Transport
Ministers may use premium economy or business class air transport for overseas business trips.

Ministers’ staff and agency employees may use the same class of transport as the Minister when they accompany the Minister on the same flight, if required to do so by the Minister.

Ministers’ Staff
Official Business
Whether it is appropriate for a member of the Minister’s staff to travel overseas on official business must be considered by the Minister on a case-by-case basis.

Generally, Ministers’ staff should not undertake official business trips overseas unless accompanying the Minister. However, it is recognised that there may be circumstances where such trips would provide benefits to the State. In these circumstances, such trips may be allowed where the Minister identifies the benefits to be gained in a written submission to the Premier for consideration.

Requests for Private Leave
Requests by Ministers’ staff to take private leave while undertaking official business trips overseas, or conversely extending private overseas trips for official purposes, should not be encouraged.

Credit Cards
For information on the use of NSW Government-issued credit cards and private credit cards see Credit Cards under Finance Practices in SECTION 2.

Out of Pocket Expenses
Ministers may be reimbursed for the actual cost of reasonable out of pocket expenses such as laundry and dry cleaning, taxi fares other than for official business, newspapers and magazines, and private telephone calls. Reimbursements will be paid by GovConnect, provided receipts are presented.

Protocol in Overseas Destinations
It is important that the correct protocol is observed at all times in connection with official business trips overseas and that requests to government authorities of other countries for assistance (e.g., in arranging appointments, transport, etc.) are made through established diplomatic channels. To do otherwise may give rise to difficulties and be counter-productive.

Foreign governments should not be approached directly by a State Minister or official seeking the provision of any form of assistance relating to overseas visits. This applies even if an established liaison already exists with a representative of the foreign government or one of its departments.

The Department of Foreign Affairs and Trade (DFAT) is prepared to assist with arrangements overseas, especially in arranging appointments for Ministers, Members of Parliament and senior officials. See DFAT NSW State Office below for details.
Contact with Commonwealth authorities should not precede the Premier’s approval of the Minister’s official business trip overseas.

**DFAT NSW State Office**

It is essential that the DFAT NSW State Office is notified of proposed overseas trips as early as possible so they can discuss the required level of assistance well before departure. As much information as possible should be provided, including:

- Details of the travelling delegation, including names and position titles
- The proposed travel itinerary including flight and accommodation details
- An outline of the general objectives of the visit
- The nature of any assistance requested
- If appointments are sought, the range of topics to be discussed and CVs of any parliamentarians

The extent to which DFAT is able to assist varies from country to country with the size of the overseas post and the scope of available resources. Where a NSW Government office exists in the destination country, that office would normally manage the visit, including identifying potential contacts and making appointments.

Where a trip involves NSW Government Ministers and/or Parliamentarians, it is essential to contact the DFAT NSW State Office so overseas posts are alerted to the presence of the party in their consular regions. Visits by the Premier or the Governor will involve the DFAT Head of Mission and require a more advanced level of involvement.


**NSW Trade and Investment International Network**

NSW has representation in the following locations: China (Shanghai and Guangzhou), India (Mumbai), Japan (Tokyo), the United Arab Emirates (Abu Dhabi), the United States of America (San Francisco), Republic of Korea (Seoul), United Kingdom (London), Indonesia (Jakarta), Malaysia (Kuala Lumpur) and Singapore. Ministers should contact the Office of International Engagement, DPC, before contacting the international representatives if they plan to access these offices. NSW International Network is managed by Department of Industry. For matters relating to investment attraction, export promotion and other international business commercial matters please contact this Branch in DPC.


**Visas**

NSW Government representatives may require a visa when travelling. Visas should be arranged directly with the relevant Embassy, High Commission or Consulate, and if a Third Person Note is requested by the Embassy, High Commission or Consulate when travelling on a diplomatic or official passport, the DFAT NSW State Office should be contacted for assistance. For visa purposes, passports generally need to be valid for at least six months from the date of arrival in the last country to be visited.

The time required for processing visa applications should be factored into travel plans and applications should be made well in advance of the anticipated departure date. The earliest possible advice should be given to DFAT.

Passport information and advice is available from the Australian Passport Information Service hotline on 131 232 or [www.passports.gov.au](http://www.passports.gov.au)

Information on overseas political, economic and consular conditions is available on the DFAT website: [www.dfat.gov.au/](http://www.dfat.gov.au/)
Travel advice is available on the Australian Government website: www.smartraveller.gov.au

**Reporting on Official Business Trips Overseas**
Ministers need to publish on an appropriate agency website, within 28 days of returning from an overseas trip, information concerning the travel they and/or their staff have undertaken (for details see Premier’s Memorandum 2015-05).

**Personal Accident Insurance while on Official Business Trips Overseas**
The Treasury Managed Fund (TMF) is the NSW Government self-insurance scheme. The TMF provides protection to NSW Government agencies, Parliamentarians, employees and other approved persons against the insurable exposures and losses faced by Government. Protection includes, but is not limited to, workers compensation, liability, property, motor vehicle and miscellaneous (volunteer and overseas travel) cover.

Ministers, Members of Parliament, Members of the Judiciary, public servants and other approved persons are covered automatically against injury or death by accident while overseas on all official business. This is arranged through the TMF and managed under contract by a service provider.

An “approved person” is a person (such as a spouse or approved relative) or an official accompanying the Minister on State business, whose official business trip has been approved by the Premier.

Benefits for all personal accident cover, including Aviation Personal Accident and cover for Tourist and Travellers Insurance, are aligned with the range and level of benefits available under the Workers’ Compensation Act 1987. The cover applies to the whole time of the business trip, including weekends and recreation periods. Premiums are paid by the Legislature or DPC. Ministers wanting cover for benefits higher than equivalent to workers’ compensation or cover for private trips should arrange this privately.

Provision is also made for medical expenses under Tourist and Travellers cover to a maximum of $1,000,000. In addition, cover for baggage and personal effects apply to a maximum of $10,000 for each person.

**Overseas Medical or Security Emergencies**
An overseas travel and emergency service is available in the event of overseas travel medical or security emergencies. This service has doctors available to assist in most capital cities throughout the world and can arrange both pre-travel advice and 24-hour emergency medical assistance including advice, treatment and medical evacuations where necessary. It will also arrange for evacuation where civil security is threatened. The NSW Government approved travel management supplier will provide details on how to register with the overseas travel and emergency services provider prior to departure and also arrange travel insurance on the travel itinerary. The TMF workers compensation or general lines service provider assigned to DPC is available to provide advice of overseas travel protection prior to departure.

Further information is available at www.icare.nsw.gov.au/

**DPC Vehicles**

**Provision of Vehicles and Drivers for Public Office Holders**
Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders (referred to collectively as “office holders” in these guidelines) are provided with official cars and drivers. All costs associated with these vehicles need to be paid from the relevant approved budget.
Drivers’ salaries are paid by DPC, although the cost of overtime on Sundays and public holidays is recovered from the relevant approved budget.

Cars and drivers may be used for official and private purposes, having regard to work health and safety requirements set by the Department. In these guidelines official purposes means any activity undertaken in relation to the office holder’s official role and responsibilities. Private use must be disclosed in compliance with Commonwealth taxation requirements. It is recognised that certain official activities may be regarded as private purposes for Commonwealth taxation treatment.

Office holders may drive themselves whenever they choose. Cars should be driven only by the office holder, officially employed drivers, the office holder’s spouse or approved relative and any other person authorised by the office holder in those circumstances considered to be appropriate. Drivers may be used by the office holder’s spouse or approved relative and any other person authorised by the office holder to assist the office holder for official purposes.

In circumstances where the office holder’s car is being used by an authorised person to assist the office holder for official purposes, the office holder may request a reserve vehicle and driver from DPC for official purposes. The full cost of this car and driver needs to be paid from the relevant approved budget.

Intermingling of official and private purposes, in a practical sense, may be unavoidable in working out the most efficient and effective transport arrangements in particular circumstances. As a general guide, any car journey to be treated as official must contribute to the discharge of official duties by the office holder or by a person assisting the office holder in the performance of official roles and responsibilities. Attending to incidental private purposes in the course of an official journey (for the purpose of these guidelines) does not change the characterisation of the journey as official.

**Logbooks for Vehicles**

Logbooks need to be completed each year for vehicles used by office holders for FBT purposes. CMS provide advice each year on the arrangement to apply.

**Private Use of Vehicles**

Motor vehicles provided for official business purposes (excluding packaged vehicles) must not be used for private purposes, unless specific approval is given.

**Car Parking for Ministers’ Offices**

Car parking for Ministers’ offices is provided at Parliament House subject to an allocation provided to each office and availability. Further information can be obtained from the Manager Transport Services, Department of Premier and Cabinet.
Office Accommodation and Equipment

Fitouts for Ministers’ Offices
Ministers are provided with an office in Sydney CBD and an office in Parliament House. Where the head office of an agency is located outside the central Sydney area, office facilities may be provided for the Minister at that head office. Where a Minister has responsibility for regional matters, office facilities may be provided in an appropriate regional location. Office locations and fitouts need to be approved by the Premier.

Advice and assistance with these matters is provided by CMS.

Any proposed relocation of equipment between Ministers’ offices should be discussed with CMS in advance.

Asset Management
CMS assists Ministers’ offices with asset management, including stocktakes, purchases, transfers and disposals. An asset register for office IT equipment is maintained for each Minister’s office.

Loss, Theft or Damage
If office equipment (e.g., mobile phone, iPad or laptop) is lost, stolen or damaged, CMS needs to be notified. Losses or theft of office equipment needs to be reported to the local police command and a police reference obtained.

Ministers’ Home Equipment
Equipment, services and facilities may be installed in Ministers’ homes to assist them in performing their official duties. Purchase and installation costs will be paid from the Minister’s office budget.

Ministers may request a home security assessment by the NSW Police Force. CMS will arrange installation of any approved security measures.

Ministers’ Staff Acceptable Use of Network Services Policy
See ATTACHMENT N for the policy.

Ministers’ Staff Acceptable Use of Communication Devices Policy
See ATTACHMENT E for the policy.
Parliamentary Secretaries

Parliamentary Secretaries are appointed by the Premier under Part 4A of the Constitution Act 1902.

**General Role, Rights and Responsibilities**

Guidelines on the role of Parliamentary Secretaries, and on resourcing for their official responsibilities on behalf of Ministers, are set out in the following table. The duties to be performed, and any costs incurred in performing those duties, need to be approved or endorsed by the relevant Minister.

Parliamentary Secretaries that are assigned to portfolio Ministers are supported in their administrative and logistical needs through the relevant Minister’s office budget.

All Parliamentary Secretaries are subject to the same travel rules as Ministers, which are outlined in Section 3 of this Handbook.

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<th>Item</th>
<th>Guidelines</th>
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<tr>
<td><strong>Duties (General)</strong></td>
<td>Provide assistance to the Premier and other Ministers, including: signing correspondence; receiving deputations; undertaking special tasks; officiating at functions; and relieving the Premier and Ministers of some of their duties.</td>
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<tr>
<td><strong>Restrictions</strong></td>
<td>Parliamentary Secretaries are not permitted to sign Executive Council Minutes or any other documents required by law to be signed by a particular Minister or by a member of the Executive Council, nor can they perform any other functions that may, by law, be performed only by a Minister.</td>
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<tr>
<td><strong>Salary</strong></td>
<td>Basic salary as a Member plus 13% additional salary, plus expense allowance of 7% of basic salary (Parliamentary Remuneration Act 1989, Schedule 1). Payments are made by the Legislature.</td>
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| **Road Transport** | DPC’s road transport services may be used by Parliamentary Secretaries for official business trips in connection with their duties as Parliamentary Secretaries. These services are:  

- vehicle and driver; or
- self-drive vehicle.

These services operate on a cost recovery basis and costs are paid from the Minister’s office budget.

Vehicle records are needed for FBT, insurance and traffic infringement purposes. |
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<th><strong>Other Transport</strong>&lt;br&gt;e.g. air</th>
<th>Transport for Parliamentary Secretaries may be provided for official business purposes as determined by the Premier or relevant Minister and should be managed by the relevant Minister. Costs are paid from the Minister’s office budget.</th>
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<td></td>
<td>For Regional Parliamentary Secretaries, transport may be provided for official business purposes as approved by the Premier or Deputy Premier (or their delegates).</td>
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<td><strong>Office Accommodation</strong></td>
<td>Parliamentary Secretaries work from their Parliament House office, unless other arrangements are made with the Minister(s) they are assisting.</td>
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<td><strong>Staff</strong></td>
<td>Parliamentary Secretaries may be provided with a full-time Secretary/Stenographer, Research Officer or Project Officer at the discretion of the Minister(s) they are assisting. Such staff assistance will be provided from the Minister’s office budget.</td>
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<td><strong>Equipment, Services and Facilities</strong></td>
<td>Equipment, services and facilities may be supplied if requested, as determined by the Minister, to assist Parliamentary Secretaries in performing their official duties. With the Minister’s approval, costs are paid from the Minister’s office budget. Assistance may include:</td>
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<td>- Computer equipment and services.</td>
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<td>- Communication equipment, for example:</td>
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<td>- Telephone services at Parliament House.</td>
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<td>- Mobile telephones for business/private purposes, with the exception of private international calls from Australia (plus GST) which need to be paid by the Parliamentary Secretary as a private expense.</td>
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<tr>
<td><strong>Other Assistance</strong></td>
<td>A portfolio agency, on the Minister’s behalf, may provide whatever assistance the Minister determines is required to enable a Parliamentary Secretary to undertake their duties (i.e., use of additional accommodation, letterhead, etc.). If a Minister wishes the Parliamentary Secretary to function within the Minister’s own accommodation, any costs are paid from the Minister’s office budget.</td>
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Managing Records and Publishing Diaries

Ministers’ Diaries
Commencing 1 July 2014, Ministers are required to publish quarterly diary summaries of scheduled external meetings held on portfolio-related matters. Cabinet, commercial-in-confidence and personal information will not be disclosed. Nor will strictly personal, electorate or party-political meetings. (For details see Premier’s Memorandum 2015-05).

Retaining and Disposing of Records in Accordance with the State Records Act 1998
Guidance for Ministers’ offices on making and keeping records appropriately and complying with their obligations under the State Records Act 1998 is available at: https://www.records.nsw.gov.au/recordkeeping/resources/ministers-offices

State Records NSW provides:
- Advice on the retention and disposal of Ministers’ office records in the General Retention and Disposal Authority – Records of a Minister’s Office (GDA13). All Ministers’ staff must read this authority and understand what is required of them, and in particular part 1.2.
- Information for Ministers’ staff about their broad recordkeeping responsibilities in What have records got to do with me? and Recordkeeping reminders.
- Online training modules on records management and recordkeeping in the public sector. Guidance which may assist in the management of digital records in Managing email and Your responsibilities for managing email (online module).
- A Standard letter setting out access directions when transferring Ministers’ office records to the State Records Authority as State archives.

Creating and Classifying Records
Any information that is created or received by a Minister or their staff in the course of official duties is considered to be a record.

Records can be in any format.

Under the State Records Act, Ministers’ offices need to:
- Create and maintain full and accurate records of any official government business transacted by the office.
- Retain those records for as long as they are required.
- Dispose of those records legally and appropriately when they are no longer required. This may entail the transfer of permanently valuable records to State Records NSW (where they will be retained as part of the State’s official archives)

The classes of records and the authorised disposal action applying to them are set out in GDA13.
Possession or Control of Ministers’ Records
Stored on the Ministers’ IT Network

Any information that is created or received by a Minister or their staff that is stored on the Ministers’ IT network, for all purposes while the Minister is holding that office, is taken to be in the possession or under the control of the Minister (for details see Schedule 2, Part 2, Clause 7 of the MOPS Act).

Storing Records

To minimise storage requirements for records that need to be retained by Ministers’ offices, the options to consider are:

- Where a record is held in paper format, scan it and store it electronically.
- Where a record stored electronically is printed for temporary use, do not retain the paper copy after use.

The following table provides examples of records and guidance to Ministers’ offices on their retention. This information should be read in conjunction with GDA13 which contains a full listing of records relating to Ministers’ portfolio responsibilities.

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<thead>
<tr>
<th>Description of Record</th>
<th>Official/State Record?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper copies of official/state records</td>
<td>No – do not retain the paper copy after use</td>
</tr>
<tr>
<td>Copies of records that are available electronically in the official document management system or the official Ministers’ office network directory</td>
<td>No – do not retain the paper copy after use and do not make an electronic copy</td>
</tr>
<tr>
<td>Paper copies of records that are publicly available on the Internet</td>
<td>No – do not retain the paper copy after use</td>
</tr>
<tr>
<td>Constituency, party political or personal records</td>
<td>No – if unsure err on the side of caution and store electronically in the official document management system or the official network directory</td>
</tr>
<tr>
<td>Cabinet Documents</td>
<td>Yes – return to DPC Cabinet Secretariat when no longer required. If unsure err on the side of caution</td>
</tr>
<tr>
<td>State records created by a department or agency</td>
<td>Yes – the department or agency that created the record owns the record. Return the record to the responsible department/agency when no longer required. If unsure, contact the department/agency for clarification</td>
</tr>
<tr>
<td>All remaining paper and electronic records</td>
<td>Make a judgement call about retention (e.g., based on office needs and guidelines issued by the State Records Authority). For paper records which are to be retained, consider the option of scanning</td>
</tr>
</tbody>
</table>
Attachments
Attachment A

1. Definitions for purposes of this determination
   
   1.1 Employer - means 'political office holder' as defined in s. 3(1) of the Members of Parliament Staff Act 2013 (Act), exercising his or her functions to employ staff on behalf of the State, pursuant to s. 5 of the Act.

   1.2 Employee - means employees of 'political officer holders' employed under the Act.

   1.3 Secretary - means Secretary of the Department of Premier and Cabinet [Note that all further references to the Secretary in this version of the determination have been replaced by references to Corporate and Ministerial Services Branch of the Department of Premier and Cabinet (CMS), which delivers support services for political office holders and their staff, acting under delegation.]

2. Principal place of work
   
   2.1 The employee’s principal place of work shall be the Political Office Holder’s office/s, located in Governor Macquarie Tower and/or Parliament House. The employee may be required to work in other locations in Sydney and travel within New South Wales, interstate and overseas in the course of duty.

3. Secondary employment
   
   3.1 The employee must not continue or commence secondary, paid employment without prior written approval of the employer. The employee’s request for approval must include written confirmation from the employee that the secondary employer does not object to the employee’s primary employment.

4. Probitly
   
   4.1 Where it applies on its terms to the employee, the employee must comply with the NSW OFFICE HOLDER’S STAFF CODE OF CONDUCT as published from time to time.

   4.2 Where it applies on its terms to the employee, the employee must comply with the GIFTS, HOSPITALITY AND BENEFITS POLICY FOR OFFICE HOLDER STAFF published from time to time.

   4.3 Where it applies, the employee is to complete and lodge the POLITICAL OFFICE HOLDERS’ STAFF PERSONAL INTEREST DECLARATION and to provide updated declarations as required.

5. Permission to work in Australia
   
   5.1 A person is not to be employed by a political office holder unless the person is: a an Australian citizen, or b a permanent resident of Australia, or c a New Zealand citizen with a current New Zealand passport, or d a citizen of another country with a current visa that allows the person to work in Australia.

   5.2 A person is not to be offered employment by a political office holder for a period that exceeds any limitation imposed by or in accordance with law as to the time that the person is permitted to work in Australia.

6. Security clearances and criminal record checks
   
   6.1 A person’s employment with a political office holder is subject to a requirement to have such security or criminal clearances or other clearances as the employer determines are necessary for performing the duties of the role to which the person is to be assigned.

   6.2 A person must declare during recruitment any criminal record, prior convictions and security clearance rejections which will affect the employee’s capacity to perform the inherent requirements of the role.

   6.3 A person who is required to have any such security or other clearances must ensure that those clearances are maintained.

7. Hours of work
   
   1.1 The employee is to work the hours of work required to perform the duties of the job.

   1.2 Start, finish and work break times will be in accordance with the applicable business practice within the Political Office Holder’s office and may be varied at any time and without notice by the employer.

   1.3 Time off in lieu may be approved by the employer as a matter of discretion in recognition of hours worked, having regard to the number of hours worked and the circumstances in which the hours were worked.
8. Payment of salary
   1.1 An employee will be employed at a salary point within the salary range contained at Schedule 1.
   1.2 The employee will be paid remuneration comprising annual salary for all hours of work performed and annual leave loading.
   1.3 Salary (less applicable taxation) will be paid fortnightly by electronic transfer to the bank account nominated by the employee. Financial transactions are made by ServiceFirst, in accordance with a Service Partnership Agreement with the Department of Premier and Cabinet.

9. Performance of Higher Duties
   9.1 The employer may require the employee to perform the duties of a higher paid job for a period of time, where the higher paid employee is absent.
   9.2 The employer may, but is not obliged to pay the employee partial or full payment of the difference in salary between that ordinarily received by the employee and the higher paid job.

10. First aid allowance
   10.1 Schedule 2 sets out the provisions applying where an employee is nominated as a First Aid Officer and the applicable allowance.

11. Use of private motor vehicles
   11.1 Schedule 2 sets out the provisions in relation to use of private motor vehicles and the applicable allowance.

12. Notice of termination
   12.1 Where the employee's employment is terminated, the employer may, but is not required to provide a period of up to two weeks' notice or equivalent payment in lieu of notice.

13. Severance payment on termination of employment
   13.1 The Policy on Severance Payment for Political Office Holders' Staff will apply to severance.

14. Leave
   14.1 An employee is entitled to leave in accordance with Schedule 3.

Allowances

1. Allowance Payable for Use of Private Motor Vehicle
   1.1 The employer may authorise an employee to use a private motor vehicle for work where:
      1.1.1 Such use will result in greater efficiency or involve the employer in less expense than if travel were undertaken by other means; or
      1.1.2 Where the employee is unable to use other means of transport due to a disability.
   1.2 An employee who, with the approval of the employer, uses a private motor vehicle for work shall be paid an appropriate rate of allowance specified in Schedule 2 for the use of such private motor vehicle. A deduction from the allowance payable is to be made for travel as described in subclause 1.6 of this clause.
   1.3 Different levels of allowance are payable for the use of a private motor vehicle for work depending on the circumstances and the purpose for which the vehicle is used.
   1.4 The casual rate is payable if an employee elects, with the approval of the employer, to use their vehicle for occasional travel for work. This is subject to the allowance paid for the travel not exceeding the cost of travel by public or other available transport.
   1.5 The official business rate is payable if an employee is directed, and agrees, to use the vehicle for official business and there is no other transport available. It is also payable where the employee is unable to use other transport due to a disability. The official business rate includes a component to compensate an employee for owning and maintaining the vehicle.
   1.6 Except as otherwise specified in this determination, an employee shall bear the cost of ordinary daily travel by private motor vehicle between the employee's residence and place of work (as determined by the employer)
and for any distance travelled in a private capacity. A deduction will be made from any motor vehicle allowance paid, in respect of such travel.

1.7 On days when an employee uses a private vehicle for official business and travels to and from home, whether or not the employee during that day visits the place of work, a deduction is to be made from the total distance travelled on the day. The deduction is to equal the distance from the employee’s residence to their place of work and return or 20 kilometres (whichever is the lesser) and any distance that is travelled in a private capacity.

1.8 Deductions are not to be applied in respect of days characterised as follows:
   1.8.1 When staying away from home overnight, including the day of return from any itinerary.
   1.8.2 When the employee uses the vehicle on official business and returns it to home prior to travelling to the headquarters by other means of transport at their own expense.
   1.8.3 When the employee uses the vehicle for official business after normal working hours.
   1.8.4 When the monthly claim voucher shows official use of the vehicle has occurred on one day only in any week.
   1.8.5 When the employee buys a weekly or other periodical rail or bus ticket, provided the employer is satisfied that:
      1.8.5.1 at the time of purchasing the periodical ticket the employee did not envisage the use of their private motor vehicle on approved official business;
      1.8.5.2 the periodical ticket was in fact purchased; and
      1.8.5.3 in regard to train travellers, no allowance is to be paid in respect of distance between the employee’s home and the railway station or other intermediate transport stopping place.
   1.8.6 The employee must have in force, in respect of a motor vehicle used for work, in addition to any policy required to be effected or maintained under the Motor Vehicle (Third Party Insurance) Act, 1942, a comprehensive motor vehicle insurance policy to an amount and in a form approved by the employer.
   1.8.7 Expenses such as tolls etc shall be refunded to employees where the charge was incurred during work related travel.
   1.8.8 Where an employee tows a trailer or horse--float during travel resulting from approved work activities while using a private vehicle, the employee shall be entitled to an additional allowance as prescribed in Schedule 2.

Damage to Private Motor Vehicle Used for Work

1 Where a private vehicle is damaged while being used for work, any normal excess insurance prescribed by the insurer shall be reimbursed by the employer, provided:
   1.1 The damage is not due to gross negligence by the employee; and
   1.2 The charges claimed by the employee are not the charges prescribed by the insurer as punitive excess charges

2 Provided the damage is not the fault of the employee, the employer shall reimburse to an employee the costs of repairs to a broken windscreen, if the employee can demonstrate that:
   2.1 1.1.1. The damage was sustained on approved work activities; and
   2.2 The costs cannot be met under the insurance policy due to excess clauses.

First Aid Allowance

1. The First Aid Allowance will apply to an employee appointed as a First Aid Officer who holds a St John’s Ambulance Certificate or equivalent qualifications issued within the previous three years.

2. The First Aid Allowance shall not be paid during leave of one week or more
3. When the First Aid Officer is absent on leave for one week or more and another qualified employee is selected to relieve as the First Aid Officer, such employee shall be paid a pro rata first aid allowance for assuming the duties of a First Aid Officer.

4. First Aid Officers may be permitted to attend training and retraining courses conducted during normal hours of duty. The cost of training employees who do not already possess qualifications and who need to be trained to meet the employer’s needs, and the cost of retraining First Aid Officers, are to be met by the employer.

**Monetary Rates**

**First Aid Allowance**

$15.79/week

**Occupational First Aid (senior first aid officer)**

$23.23/week

**Leave**

1. **Taking of Leave**

   1.1 For the purpose of calculating leave and hours of work of part--time employees, the hours of work are seven per day, and 35 per week.

   1.2 Unless otherwise specified, part--time employees will receive the paid leave provisions of this determination on a pro rata basis, calculated according to the number of hours worked per week.

   1.3 If an employee has access to paid and unpaid leave, paid leave shall be taken before unpaid leave.

   1.4 An employee must not be absent from work unless reasonable cause is shown. If an employee is to be absent from duty because of illness or other emergency, the employee shall notify or arrange for another person to notify the employer as soon as possible of the employee's absence and the reason for the absence.

   1.5 If a satisfactory explanation for the absence, is not provided, the employee will be regarded as absent from duty without authorised leave and the employer shall deduct from the pay of the employee the amount equivalent to the period of the absence.

   1.6 The minimum period of leave available to be granted shall be a quarter day, unless local arrangements negotiated in the workplace allow for a lesser period to be taken.

   1.7 Nothing in this clause affects any proceedings for a breach of discipline against an employee who is absent from duty without authorised leave. An application by an employee for leave shall be made to and dealt with by the employer, who shall deal with the application for leave according to the wishes of the employee, if the operational requirements of the political office holder’s office permit this to be done.

2. **Extended Leave**

   2.1 General Entitlement - Extended leave shall accrue and shall be granted to employees in accordance with this clause:

      2.1.1 After service for 7 years or more but not more than 10 years, an employee is entitled to extended leave, proportionate to his or her length of service, calculated at the rate of:

      2.1.1.1 2 months on full pay, or

      2.1.1.2 4 months on half pay, or

      2.1.1.3 one month of double pay, for 10 years served.

      2.1.2 After service for more than 10 years, an employee is entitled to extended leave under subclause 2.1.1 in respect of the first 10 years and additional extended leave, proportionate to his or her length of service, calculated at the rate of:

      2.1.2.1 (a) 5 months on full pay, or
(b) 10 months on half pay, or

(c) 2.5 months on double pay, for each 10 years after the first 10 years.

For the purposes of this clause, service includes any period of leave without pay taken before 13 December 1963.

Entitlement to leave if employment terminated in special circumstances

An employee with at least 5 years’ service but less than 7 years’ service whose services are terminated by the employee for reasons of illness, incapacity or domestic or other pressing necessity, or by the employer for reasons other than the employee's serious and intentional misconduct, will be entitled to:

for 5 years’ service, one month's leave on full pay, and

for further service in excess of 5 years, additional leave proportionate to the employee's length of service (up to but not including 7 years), calculated at the rate of 3 months' leave for 15 years’ service.

For the purposes of this clause, service does not include any period of leave without pay, whether taken before, on or after 13 December 1963.

Payment of accrued leave on termination of employment

If an employee has acquired a right to extended leave and his or her services are terminated, the employee may not take the extended leave but is instead to be paid the money value of the extended leave.

Any pension to which any such employee is entitled under the Superannuation Act 1916 commences from and including the date on which the employee's extended leave, if taken, would have commenced.

Leave to be paid out to dependants in cases of death

If an employee has acquired a right to extended leave and dies before starting it, or after starting it dies before completing it:

the employee’s spouse, or

if there is no such spouse, the employee’s children, or

if there is no such spouse or child, the person who, in the opinion of the employer, was, at the time of the employee’s death, a dependent relative of the employee, is entitled to receive the money value of the extended leave not taken or not completed.

If an employee with at least 5 years’ service but less than 7 years’ service dies:

the employee’s spouse, or

if there is no such spouse, the employee’s children, or

if there is no such spouse or child, the person who, in the opinion of the employer, was, at the time of the employee’s death, a dependent relative of the employee, is entitled to receive the money value of the extended leave that would have accrued to the employee had his or her services terminated as referred to in this clause.

If there is a guardian of any child referred to in subclause 2.7.2 the payment to which the child is entitled may be made to the child’s guardian for the child’s maintenance, education and advancement.

If;

no person is entitled to receive a payment under this clause or

it appears to the employer that more than one person is entitled as a spouse to a payment under this clause, the payment must instead be made to the employee’s personal representatives. Any payment under this clause is in addition to any payment due under any Act under which superannuation benefits are paid.
In this clause, spouse of an employee includes a de facto partner of the employee at the time of his or her death. Note. “De facto partner” is defined in section 21C of the Interpretation Act 1987.

2.5 Leave entitlement reduced by leave already taken or paid out

2.5.1 The following amounts of extended leave are to be deducted from an employee’s extended leave entitlement:

2.5.1.1 for each period of extended leave taken on full pay—the number of days (or parts of a day) so taken

2.5.1.2 for each period of extended leave taken on half pay—half the number of days (or parts of a day) so taken

2.5.1.3 for each period of extended leave taken on double pay—twice the number of days (or parts of a day) so taken,

2.5.1.4 for each period of extended leave in respect of which the employee has been paid the money value—the number of days of extended leave on full pay that is equivalent to the money paid.

2.5.1.5 If a public holiday occurs while an employee is taking extended leave, the amount of extended leave to be deducted is to be reduced by the length of the holiday (one day or half a day, as the case may be. Public holiday means any special or public holiday for which the employee is entitled to payment.

2.5.2 Continuous service with NSW government sector agencies shall be recognised for service eligibility for extended leave. Such prior service for which recognition is sought must be declared prior to commencing employment.

3. Family and Community Service Leave

3.1 The employer shall grant to an employee some, or all of their accrued family and community service leave on full pay, for reasons relating to unplanned and emergency family responsibilities or other emergencies as described in this clause. Non–emergency appointments or duties shall be scheduled or performed outside of normal working hours or through approved use of leave.

3.2 Unplanned and emergency situations may include, but not be limited to, the following:

3.2.1 Compassionate grounds -- such as the death or illness of a close member of the family or a member of the employee’s household;

3.2.2 Emergency accommodation matters up to one day, such as attendance at court as defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects;

3.2.3 Emergency or weather conditions; such as when flood, fire, snow or disruption to utility services etc, threatens an employee’s property and/or prevents an employee from reporting for duty;

3.2.4 Attending to unplanned or unforeseen family responsibilities, such as attending child’s school for an emergency reason or emergency cancellations by child care providers;

3.2.5 Attendance at court by an employee to answer a charge for a criminal offence, only if the employer considers the granting of family and community service leave to be appropriate in a particular case.

3.3 Family and community service leave may also be granted for:

3.3.1 An absence during normal working hours to attend meetings, conferences or to perform other duties, for employees holding office in Local Government, and whose duties necessitate absence during normal working hours for these purposes, provided that the employee does not hold a position of Mayor of a Municipal Council, President of a Shire Council or Chairperson of a County Council; and

3.3.2 Attendance as a competitor in major amateur sport (other than Olympic or Commonwealth Games) for employees who are selected to represent Australia or the State.

3.4 Family and community service leave shall accrue as follows:
3.4.1 two and a half days in the employee’s first year of service; 3.4.2 two and a half days in the employee’s second year of service; and
3.4.3 one day per year thereafter.

3.5 If available family and community service leave is exhausted as a result of natural disasters, the employer shall consider applications for additional family and community service leave, if some other emergency arises.

3.6 If available family and community service leave is exhausted, on the death of a family member or relative, additional paid family and community service leave of up to 2 days may be granted on a discrete, per occasion basis to an employee.

3.7 In cases of illness of a family member for whose care and support the employee is responsible, paid sick leave shall be granted when paid family and community service leave has been exhausted or is unavailable.

3.8 The employer may also grant an employee accrued recreation leave for family and community service leave purposes.

4. Leave Without Pay
4.1 The employer may grant leave without pay to an employee if good and sufficient reason is shown.
4.2 Leave without pay may be granted on a full-time or a part-time basis.
4.3 Where an employee is granted leave without pay for a period not exceeding 10 consecutive working days, the employee shall be paid for any proclaimed public holidays falling during such leave without pay.
4.4 Where an employee is granted leave without pay which, when aggregated, does not exceed 5 working days in a period of twelve (12) months, such leave shall count as service for incremental progression and accrual of recreation leave.
4.5 An employee who has been granted leave without pay shall not engage in employment of any kind during the period of leave without pay, unless prior approval has been obtained from the employer.
4.6 An employee shall not be required to exhaust accrued paid leave before proceeding on leave without pay but, if the employee elects to combine all or part of accrued paid leave with leave without pay, the paid leave shall be taken before leave without pay.
4.7 No paid leave shall be granted during a period of leave without pay.
4.8 The employee’s job may be filled if:
4.8.1 the leave without pay has continued or is likely to continue beyond the original period of approval and is for a total period of more than 12 months; and
4.8.2 the employee is advised of the employer’s intention to fill their job; and
4.8.3 the employee is given a reasonable opportunity to end the leave without pay and return to their job; and
4.8.4 Subclause 4.8 of this clause does not apply to full-time unpaid parental leave granted or to military leave.

5. Military Leave
5.1 During the period of 12 months commencing on 1 July each year, the employer may grant to an employee who is a volunteer part-time member of the Defence Forces, military leave on full pay to undertake compulsory annual training and to attend schools, classes or courses of instruction or compulsory parades conducted by the employee’s unit.
5.2 In accordance with the Defence Reserve Service (Protection) Act 2001 (Cth), it is unlawful to prevent an employee from rendering or volunteering to render, ordinary Defence Reserve Service.
5.3 Up to 24 working days military leave per financial year may be granted by the employer to members of the Naval and Military Reserves and up to 28 working days per financial year to members of the Air Force Reserve for the activities specified in subclause 5.1 of this clause.
5.4 An employer may grant an employee special leave of up to 1 day to attend medical examinations and tests required for acceptance as volunteer part time members of the Australian Defence Forces.

5.5 An employee who is requested by the Australian Defence Forces to provide additional military services requiring leave in excess of the entitlement specified in subclause 5.3 of this clause may be granted Military Leave Top up Pay by the employer.

5.6 Military Leave Top up Pay is calculated as the difference between an employee’s ordinary pay as if they had been at work, and the Reservist’s pay which they receive from the Commonwealth Department of Defence.

5.7 During a period of Military Leave Top up Pay, an employee will continue to accrue sick leave, recreation and extended leave entitlements, and the employer is to continue to make superannuation contributions at the normal rate.

5.8 At the expiration of military leave in accordance with subclause 5.3 or 5.4 of this clause, the employee shall furnish to the employer a certificate of attendance and details of the employee’s reservist pay signed by the commanding officer or other responsible officer.

6. Observance of Essential Religious or Cultural Obligations

6.1 An employee of any religious faith who seeks leave for the purpose of observing essential religious obligations of that faith; or any ethnic or cultural background who seeks leave for the purpose of observing any essential cultural obligations, may be granted recreation/extended leave to credit, or leave without pay to do so.

6.2 Provided adequate notice as to the need for leave is given by the employee to the employer and it is operationally convenient to release the employee from duty, the employer must grant the leave applied for by the employee in terms of this clause.

6.3 An employee of any religious faith who seeks time off during daily working hours to attend to essential religious obligations of that faith, shall be granted such time off by the employer, subject to:

6.3.1 Adequate notice being given by the employee;

6.3.2 Prior approval being obtained by the employee; and

6.3.3 The time off being made up in the manner approved by the employer.

6.4 Notwithstanding the above, arrangements may be negotiated between the employer and the employee to provide greater flexibility for employees for the observance of essential religious or cultural obligations.

7. Parental Leave

7.1 Parental leave includes maternity, adoption and "other parent" leave.

7.2 Maternity leave shall apply to an employee who is pregnant and, subject to this clause the employee shall be entitled to be granted maternity leave as follows:

7.2.1 For a period up to 9 weeks prior to the expected date of birth; and

7.2.2 For a further period of up to 12 months after the actual date of birth.

7.3 An employee who has been granted maternity leave and whose child is stillborn may elect to take available sick leave instead of maternity leave.

7.4 Adoption leave shall apply to an employee adopting a child and who will be the primary care giver, the employee shall be granted adoption leave as follows:

7.4.1 For a period of up to 12 months if the child has not commenced school at the date of the taking of custody; or

7.4.2 For such period, not exceeding 12 months on a full--time basis, as the employer may determine, if the child has commenced school at the date of the taking of custody.

7.5 Special Adoption Leave -- an employee is entitled to special adoption leave (without pay) for up to 2 days to attend interviews or examinations for the purposes of adoption. Special adoption leave may be taken as a charge against recreation leave, extended leave or family and community service leave.
Where maternity or adoption leave does not apply, "other parent" leave is available to male and female employees who apply for leave to look after his/her child or children. Other parent leave applies as follows:

7.6.1 Short other parent leave -- an unbroken period of up to 8 weeks at the time of the birth of the child or other termination of the spouse's or partner's pregnancy or, in the case of adoption, from the date of taking custody of the child or children;

7.6.2 Extended other parent leave -- for a period not exceeding 12 months, less any short other parental leave already taken by the employee as provided for in paragraph 7.6.1 of this subclause. Extended other parental leave may commence at any time up to 2 years from the date of birth of the child or the taking of custody of the child.

7.7 An employee taking maternity or adoption leave is entitled to payment at the ordinary rate of pay for a period of up to 14 weeks, an employee entitled to short other parent leave is entitled to payment at the ordinary rate of pay for a period of up to 1 week, provided the employee:

7.7.1 Applied for parental leave within the time and in the manner determined set out in subclause 7.14 of this clause; and

7.7.2 Prior to the commencement of parental leave, completed not less than 40 weeks' continuous service.

7.8 Payment for the maternity, adoption or short other parent leave may be made as follows:

7.8.1 (a) in advance as a lump sum; or(b) fortnightly as normal; or

7.8.2 (c) fortnightly at half pay; or

7.8.3 (d) a combination of full pay and half pay.

7.9 Payment for parental leave is at the rate applicable when the leave is taken. An employee holding a full time position who is on part time leave without pay when they start parental leave is paid:

7.9.1 at the full time rate if they began part time leave 40 weeks or less before starting parental leave;

7.9.2 at the part time rate if they began part time leave more than 40 weeks before starting parental leave and have not changed their part time work arrangements for the 40 weeks;

7.9.3 at the rate based on the average number of weekly hours worked during the 40 week period if they have been on part time leave for more than 40 weeks but have changed their part time work arrangements during that period.

7.10 An employee who commences a subsequent period of maternity or adoption leave for another child within 24 months of commencing an initial period of maternity or adoption leave will be paid:

7.10.1 at the rate (full time or part time) they were paid before commencing the initial leave if they have not returned to work; or

7.10.2 at a rate based on the hours worked before the initial leave was taken, where the employee has returned to work and reduced their hours during the 24 month period; or

7.10.3 at a rate based on the hours worked prior to the subsequent period of leave where the employee has not reduced their hours.

7.11 Except as provided otherwise in this clause parental leave shall be granted without pay.

7.12 An employee who has been granted parental leave may make a request to the employer to:

7.12.1 extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months;

7.12.2 return from a period of full time parental leave on a part time basis until the child reaches school age (Note: returning to work from parental leave on a part time basis includes the option of returning to work on part time leave without pay).

7.13 The employer shall consider the request having regard to the employee’s circumstances and, provided the request is genuinely based on the employee’s parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer’s business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.
When an employer is made aware that an employee or their spouse is pregnant or is adopting a child, the employer or CMS must inform the employee of their entitlements and their obligations under this determination.

An employee who wishes to take parental leave must notify the employer in writing at least 8 weeks (or as soon as practicable) before the expected commencement of parental leave:

(a) that she/he intends to take parental leave, and
(b) the expected date of birth or the expected date of placement, and
(c) if she/he is likely to make a request under subclause 7.12 of this clause.

When the employer is made aware that an employee or their spouse is pregnant or is adopting at least 4 weeks before an employee’s expected date of commencing parental leave they must advise:

(a) the date on which the parental leave is intended to start, and
(b) the period of leave to be taken.

An employee intending to request to return from parental leave on a part time basis or seek an additional period of leave of up to 12 months must notify the employer in writing as soon as practicable and preferably before beginning parental leave. If the notification is not given before commencing such leave, it may be given at any time up to 4 weeks before the proposed return on a part time basis, or later if the employer agrees.

An employee on maternity leave is to notify her employer of the date on which she gave birth as soon as she can conveniently do so.

An employee must notify the department as soon as practicable of any change in her intentions as a result of premature delivery or miscarriage.

An employee on maternity or adoption leave may change the period of leave or arrangement, once without the consent of the employer and any number of times with the consent of the employer. In each case she/he must give the employer at least 14 days’ notice of the change unless the employer decides otherwise.

An employee has the right to her/his former job if she/he has taken approved leave or part time work, and she/he resumes duty immediately after the approved leave or work on a part time basis.

If the job held by the employee immediately prior to the taking of parental leave has ceased to exist, but there are other jobs available that the employee is qualified for and is capable of performing, the employee shall do a comparable job to that previously performed.

An employee does not have a right to her/his former job during a period of return to work on a part time basis. If the employer approves a return to work on a part time basis then the job performed is to be comparable to that formerly held.

An employee who has returned to full time duty without exhausting their entitlement to 12 months unpaid parental leave is entitled to revert back to such leave. This may be done once only, and a minimum of 4 weeks notice (or less if acceptable to the employer) must be given.

An employee who is sick during her pregnancy may take available paid sick leave or accrued recreation or extended leave or sick leave without pay. An employee may apply for accrued recreation leave, extended leave or leave without pay before taking maternity leave. Any leave taken before maternity leave, ceases at the end of the working day immediately preceding the day she starts her nominated period of maternity leave or on the working day immediately preceding the date of birth of the child, whichever is sooner.

An employee may elect to take available recreation leave or extended leave within the period of parental leave provided this does not extend the total period of such leave.

An employee may elect to take available recreation leave at half pay in conjunction with parental leave provided that:

(a) accrued recreation leave at the date leave commences is exhausted within the period of parental leave;

(b) the total period of parental leave is not extended by the taking of recreation leave at half pay;
7.27.3 when calculating other leave accruing during the period of recreation leave at half pay, the recreation leave at half pay shall be converted to the full time equivalent and treated as full pay leave for accrual of further recreation, extended and other leave at the full time rate.

7.28 If, for any reason, a pregnant employee is having difficulty in performing her normal duties or there is a risk to her health or to that of her unborn child the employer, should, in consultation with the employee, take all reasonable measures to arrange for safer alternative duties. This may include, but is not limited to greater flexibility in when and where duties are carried out, a temporary change in duties, retraining, multi-skilling, teleworking and job redesign.

7.29 If such adjustments cannot reasonably be made, the employer must grant the employee maternity leave, or any available sick leave, for as long as it is necessary to avoid exposure to that risk as certified by a medical practitioner, or until the child is born whichever is the earlier.

7.30 Where an employee is on parental leave and a definite decision has been made to introduce significant change at the workplace, the employer shall take reasonable steps to:

7.30.1 make information available in relation to any significant effect the change will have on the status or responsibility level of the job the employee performed before commencing parental leave; and

7.30.2 provide an opportunity for the employee to discuss any significant effect the change will have on the job the employee held before commencing parental leave.

7.31 The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part time basis.

7.32 The employee shall also notify the employer of changes of address or other contact details which might affect the employer’s capacity to comply with clause.

8. Purchased Leave

8.1 An employee may apply to enter into an agreement with the employer to purchase either 10 days (2 weeks) or 20 days (4 weeks) additional leave in a 12 month period.

8.2 Each application will be considered subject to operational requirements and personal needs and will take into account business needs and work demands.

8.3 The leave must be taken in the 12 month period specified in the Purchased Leave Agreement and will not attract any leave loading.

8.4 The leave will count as service for all purposes.

8.5 The purchased leave will be funded through the reduction in the employee’s ordinary rate of pay.

8.6 Purchased leave rate of pay means the rate of pay an employee receives when their ordinary salary rate has been reduced to cover the cost of purchased leave.

8.7 To calculate the purchased leave rate of pay, the employee’s ordinary salary rate will be reduced by the number of weeks of purchased leave and then annualised at a pro rata rate over the 12 month period.

8.8 Purchased leave cannot be accrued and will be refunded where it has not been taken in the 12 month period.

8.9 Other leave taken during the 12 month purchased leave agreement period i.e. sick leave, recreation leave or extended leave will be paid at the purchased leave rate of pay.

8.10 Sick leave cannot be taken during a period of purchased leave.

8.11 The purchased leave rate of pay will be the salary for all purposes including superannuation.

8.12 Additional Duties Allowance will not be paid when a period of purchased leave is taken.

9. Recreation Leave

9.1 Except where stated otherwise, paid recreation leave for employees, accrues at the rate of 20 working days per year. Employees working part time shall accrue paid recreation leave on a pro rata basis, which will be determined on the average weekly hours worked per leave year.
Recreation leave accrues from day to day.

At least two (2) consecutive weeks of recreation leave shall be taken by an employee every 12 months, except by agreement with the employer.

Where the operational requirements permit, the application for leave shall be dealt with by the employer according to the wishes of the employee.

The employer shall notify the employee in writing when accrued recreation leave reaches 6 weeks or its hourly equivalent and at the same time may direct an employee to take at least 2 weeks’ recreation leave within 3 months of the notification at a time convenient to the employer.

The employer shall notify the employee in writing when accrued recreation leave reaches 8 weeks or its hourly equivalent and direct the employee to take at least 2 weeks’ recreation leave within 6 weeks of the notification. Such leave is to be taken at a time convenient to the employer.

An employee must take their recreation leave to reduce all balances below 8 weeks or its hourly equivalent, and the employer must cooperate in this process.

If the employer is satisfied that an employee is prevented by operational or personal reasons from taking sufficient recreation leave to reduce the accrued leave below an acceptable level of between 4 and 6 weeks or its hourly equivalent, the employer shall:

9.8.1 Specify in writing the period of time during which the excess shall be conserved; and
9.8.2 On the expiration of the period during which conservation of leave applies, grant sufficient leave to the employee at a mutually convenient time to enable the accrued leave to be reduced to an acceptable level below the 8 week limit.

The employer will inform an employee in writing on a regular basis of the employee’s recreation leave accrual.

Recreation leave is not to be granted for a period less than a quarter--day or in other than multiples of a quarter day.

Recreation leave for which an employee is eligible on cessation of employment is to be calculated to a quarter day (fractions less than a quarter being rounded up).

Recreation leave does not accrue to an employee in respect of any period of absence from duty without leave or without pay.

Recreation leave accrues during any period of leave without pay granted on account of incapacity for which compensation has been authorised to be paid under the Workers Compensation Act 1987; or any period of sick leave without pay or any other approved leave without pay, not exceeding 5 full time working days, or their part time equivalent, in any period of 12 months.

The proportionate deduction to be made in respect of the accrual of recreation leave on account of any period of absence referred to in this clause shall be calculated to an exact quarter--day (fractions less than a quarter being rounded down).

Recreation leave accrues at half its normal accrual rate during periods of extended leave on half pay or recreation leave taken on half pay.

Recreation leave may be taken on half pay in conjunction with and subject to the provisions applying to adoption, maternity or parental leave.

On cessation of employment, an employee is entitled to be paid, the money value of accrued recreation leave which remains untaken.

An employee to whom 9.16 of this subclause applies may elect to take all or part of accrued recreation leave which remains untaken at cessation of active duty as leave or as a lump sum payment; or as a combination of leave and lump sum payment.

Where an employee dies, the monetary value of recreation leave accrued and remaining untaken as at the date of death, shall be paid to the employee’s nominated beneficiary.

Where no beneficiary has been nominated, the monetary value of recreation leave is to be paid as follows:

9.19.1 To the widow or widower of the employee; or
9.19.2 If there is no widow or widower, to the children of the employee or, if there is a guardian of any
children entitled under this subclause, to that guardian for the children's maintenance, education
and advancement; or

9.19.3 If there is no such widow, widower or children, to the person who, in the opinion of the employer
was, at the time of the employee's death, a dependent relative of the employee; or

9.19.4 If there is no person entitled under paragraphs 9.19.1 to 9.19.3 of this subclause to receive the
money value of any leave not taken or not completed by an employee or which would have
accrued to the employee, the payment shall be made to the personal representative of the
employee.

9.20 Recreation leave does not accrue during leave without pay other than:

9.20.1 military leave taken without pay when paid military leave entitlements are exhausted;
9.20.2 absences due to natural emergencies or major transport disruptions, when all other paid leave is
exhausted;
9.20.3 any continuous period of sick leave taken without pay when paid sick leave is exhausted;
9.20.4 incapacity for which compensation has been authorised under the Workplace Injury Management
and Workers Compensation Act 1998; or
9.20.5 periods which when aggregated, do not exceed 5 working days in any period of 12 months.

9.21 Recreation leave to credit may be taken at any time which is convenient for the employee and employer.
The employee's recreation leave balance shall not exceed 40 days, and the employee may be directed
to reduce the balance to less than 30 days if the balance is between 30 and 40 days.

10. Annual Leave Loading

10.1 An employee is entitled to be paid an annual leave loading as set out in this subclause. The annual leave
loading shall be 17½% on the monetary value of up to 4 weeks recreation leave accrued in a leave year.

10.2 Where additional leave is accrued by an employee as compensation for work performed regularly on
Sundays and/or Public Holidays, the annual leave loading shall be calculated on the actual leave accrued
or on five weeks, whichever is the lower.

10.3 The annual leave loading payable shall not exceed the amount which would have been payable to an
employee in receipt of a salary of $128,023.

10.4 For the calculation of the annual leave loading, the leave year shall commence on 1 December each year
and shall end on 30 November of the following year.

10.5 Payment of the annual leave loading shall be made on the recreation leave accrued during the previous
leave year and shall be subject to the following conditions:

10.5.1 Annual leave loading shall be paid on the first occasion in a leave year, other than the first leave
year of employment, when an employee takes at least two (2) consecutive weeks' recreation
leave. Where an employee does not have at least 2 weeks' recreation leave available, the
employee may use a combination of recreation leave and any of the following: public holidays,
extended leave or, leave without pay. The employee shall be paid the annual leave loading for
such period, provided the absence is at least 2 weeks.

10.5.2 If at least two weeks' leave is not taken in a leave year, then the payment of the annual leave
loading entitlement for the previous leave year shall be made to the employee as at 30 November
of the current year.

10.5.3 While annual leave loading shall not be paid in the first leave year of employment, it shall be paid
on the first occasion in the second leave year of employment when at least two weeks' leave.

10.5.4 An employee who has not been paid the annual leave loading for the previous leave year, shall be
paid such annual leave loading on resignation, retirement or termination by the employer for any
reason other than the employee's serious and intentional misconduct.

10.5.5 Except in cases of voluntary redundancy, proportionate leave loading is not payable on cessation
of employment.

11. Sick Leave

11.1 Illness in this clause means physical or psychological illness or injury, medical treatment and the period of recovery or rehabilitation from an illness or injury.

11.2 Payment for sick leave is subject to the employee:

11.2.1 Informing their manager as soon as reasonably practicable that they are unable to perform duty because of illness. This must be done as close to the employee’s starting time as possible; and

11.2.2 Providing evidence of illness as soon as practicable.

11.3 If the employer is satisfied that an employee is unable to perform duty because of the employee’s illness or the illness of his/her family member, the employer shall grant to the employee sick leave on full pay; and may grant to the employee, sick leave without pay if the absence of the employee exceeds the entitlement of the employee under this determination to sick leave on full pay.

11.4 The employer may direct an employee to take sick leave if they are satisfied that, due to the employee's illness, the employee:

11.4.1 is unable to carry out their duties without distress; or

11.4.2 risks further impairment of their health by reporting for duty; or

11.4.3 is a risk to the health, wellbeing or safety of other employees, clients or members of the public.

11.5 The employer may direct an employee to participate in a return to work program if the employee has been absent on a long period of sick leave.

11.6 At the commencement of employment, a full-time employee is granted an accrual of 5 days sick leave.

11.7 After the first four months of employment, the employee shall accrue sick leave at the rate of 10 working days per year for the balance of the first year of service.

11.8 After the first year of service, the employee shall accrue sick leave day to day at the rate of 15 working days per year of service.

11.9 All continuous service as an employee in the NSW public service and as political office holders’ staff shall be taken into account for the purpose of calculating sick leave due. Where the service is not continuous, previous periods of NSW public service shall be taken into account for the purpose of calculating sick leave due if the previous sick leave records are available.

11.10 Sick leave without pay shall count as service for the accrual of recreation leave and paid sick leave. In all other respects sick leave without pay shall be treated in the same manner as leave without pay.

11.11 When determining the amount of sick leave accrued, sick leave granted on less than full pay, shall be converted to its full pay equivalent.

11.12 Paid sick leave shall not be granted during a period of unpaid leave.

11.13 Paid sick leave which may be granted to an employee, other than a seasonal or relief employee, in the first 3 months of service shall be limited to 5 days paid sick leave, unless the employer approves otherwise. Paid sick leave in excess of 5 days granted in the first 3 months of service shall be supported by a satisfactory medical certificate.

11.14 No paid sick leave shall be granted to employees who are employed for a period of less than 3 months.

11.15 An employee absent from duty for more than 2 consecutive working days because of illness must furnish evidence of illness to the employer in respect of the absence.

11.16 In addition to the requirements under subclause 11.2, an employee may absent themselves for a total of 5 working days due to illness without the provision of evidence of illness to the employer. Employees who absent themselves in excess of 5 working days in a calendar year may be required to furnish evidence of illness to the employer for each occasion absent for the balance of the calendar year.

11.17 As a general practice backdated medical certificates will not be accepted. However if an employee provides evidence of illness that only covers the latter part of the absence, they can be granted sick leave for the whole period if the employer is satisfied that the reason for the absence is genuine.
11.18 If an employee is required to provide evidence of illness for an absence of 2 consecutive working days or less, the employer will advise them in advance.

11.19 If the employer is concerned about the diagnosis described in the evidence of illness produced by the employee, after discussion with the employee, the evidence provided and the employee’s application for leave can be referred to a medical practitioner of the employer’s choice for advice.

11.20 The type of leave granted to the employee will be determined by the employer based on the medical practitioner’s advice.

11.21 If sick leave is not granted, the employer will, as far as practicable, take into account the wishes of the employee when determining the type of leave granted.

11.22 The granting of paid sick leave shall be subject to the employee providing evidence which indicates the nature of illness or injury and the estimated duration of the absence. If an employee is concerned about disclosing the nature of the illness to their manager they may elect to have the application for sick leave dealt with confidentially by an alternate manager if available.

11.23 The reference in this clause to evidence of illness shall apply, as appropriate:

11.23.1 up to one week may be provided by a registered dentist, optometrist, chiropractor, osteopath, physiotherapist, oral and maxillo facial surgeon or, at the employer’s discretion, another registered health services provider, or

11.23.2 where the absence exceeds one week, and unless the health provider listed in paragraph 11.23.1 of this subclause is also a registered medical practitioner, applications for any further sick leave must be supported by evidence of illness from a registered medical practitioner, or

11.23.3 at the employer’s discretion, other forms of evidence that satisfy that an employee had a genuine illness.

11.24 If an employee who is absent on recreation leave or extended leave, furnishes to the employer satisfactory evidence of illness in respect of an illness which occurred during the leave, the employer may, subject to the provisions of this clause, grant sick leave to the employee as follows:

11.24.1 In respect of recreation leave, the period set out in the evidence of illness;

11.24.2 In respect of extended leave, the period set out in the evidence of illness if such period is 5 working days or more.

12. Sick Leave to Care for a Family Member

12.1 Where family and community service leave provided for in clause 3 is exhausted or unavailable, an employee with responsibilities in relation to a category of person set out in subclause 12.5 of this clause who needs the employee’s care and support, may elect to use available paid sick leave, subject to the conditions specified in this clause, to provide such care and support when a family member is ill.

12.2 The sick leave shall initially be taken from the sick leave accumulated over the previous 3 years. In special circumstances, the employer may grant additional sick leave from the sick leave accumulated during the employee’s eligible service.

12.3 If required by the employer to establish the illness of the person concerned, the employee must provide evidence consistent with clause 11.

12.4 The entitlement to use sick leave in accordance with this clause is subject to:

12.5 The employee being responsible for the care and support of the person concerned; and the person concerned being:

12.5.1 a spouse of the employee; or

12.5.2 a de facto spouse being a person of the opposite sex to the employee who lives with the employee as her husband or his wife on a bona fide domestic basis although not legally married to that employee; or

12.5.3 a child or an adult child (including an adopted child, a step child, a foster child or an ex–nuptial child), parent (including a foster parent or legal guardian), grandparent, grandchild or sibling of
the employee or of the spouse or de facto spouse of the employee; or

12.5.4 a same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis; or a relative of the employee who is a member of the same household, where for the purposes of this definition: "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures; "affinity" means a relationship that one spouse or partner has to the relatives of the other; and "household" means a family group living in the same domestic dwelling.

13. Sick Leave - Workers Compensation

13.1 The employer or CMS shall advise each employee of their rights under the Workers Compensation Act 1987, as amended from time to time, and shall give such assistance and advice, as necessary, in the lodging of any claim.

13.2 An employee who is or becomes unable to attend for duty or to continue on duty in circumstances which may give the employee a right to claim compensation under the Workers Compensation Act 1987 shall be required to lodge a claim for any such compensation.

13.3 Where, due to the illness or injury, the employee is unable to lodge such a claim in person, the employer shall assist the employee or the representative of the employee, as required, to lodge a claim for any such compensation.

13.4 The employer or CMS will ensure that, once received, an employee’s workers compensation claim is lodged by the workers compensation insurer within the statutory period prescribed in the Workers Compensation Act 1987.

13.5 Pending the determination of that claim and on production of an acceptable medical certificate, the employer shall grant sick leave on full pay for which the employee is eligible followed, if necessary, by sick leave without pay or, at the employee's election by accrued recreation leave or extended leave.

13.6 If liability for the workers compensation claim is accepted, then an equivalent period of any sick leave taken by the employee pending acceptance of the claim shall be restored to the credit of the employee.

13.7 Before approving the use of sick leave in this subclause, the employer must be satisfied that the employee is complying with the obligations imposed by the Workplace Injury Management and Workers Compensation Act 1998 which requires that the employee must:

13.7.1 participate and cooperate in the establishment of the required injury management plan for the employee;

13.7.2 comply with obligations imposed on the employee by or under the injury management plan established for the employee;

13.7.3 when requested to do so, nominate as their treating doctor for the purposes of the injury management plan a medical practitioner who is prepared to participate in the development of, and in the arrangements under, the plan;

13.7.4 authorise the nominated treating doctor to provide relevant information to the insurer or the employer for the purposes of the injury management plan; and

13.7.5 make all reasonable efforts to return to work as soon as possible, having regard to the nature of the injury.

13.8 If an employee notifies the employer that he or she does not intend to make a claim for any such compensation, the employer shall consider the reasons for the employee's decision and shall determine whether, in the circumstances, it is appropriate to grant sick leave in respect of any such absence.

13.9 An employee may be required to submit to a medical examination under the Workers Compensation Act 1987 in relation to a claim for compensation under that Act. If an employee refuses to submit to a medical examination without an acceptable reason, the employee shall not be granted available sick leave on full pay until the examination has occurred and a medical certificate is issued indicating that the employee is not fit to resume employment.

13.10 If the employer provides the employee with employment which meets the terms and conditions
specified in the medical certificate issued under the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 and, without good reason, the employee fails, to resume or perform such duties, the employee shall be ineligible for all payments in accordance with this clause from the date of the refusal or failure.

13.11 Nothing in this clause prevents an employee from appealing a decision or taking action under other legislation made in respect of:--

13.11.1 The employee's claim for workers compensation;
13.11.2 The conduct of a medical examination by a Government or other Medical Officer;
13.11.3 A medical certificate issued by the examining Government or other Medical Officer; or
13.11.4 Action taken by the employer either under the Workers Compensation Act 1987 or any other relevant legislation in relation to a claim for workers compensation, medical examination or medical certificate.

14. Sick Leave - Claims Other Than Workers Compensation

14.1 If the circumstances of any injury to or illness of an employee give rise to a claim for damages or to compensation, other than compensation under the Workers Compensation Act 1987, sick leave on full pay may, subject to and in accordance with this clause, be granted to the employee on completion of an acceptable undertaking that:--

14.2 Any such claim, if made, will include a claim for the value of any period of paid sick leave granted by the employer to the employee; and
14.3 In the event that the employee receives or recovers damages or compensation pursuant to that claim for loss of salary or wages during any such period of sick leave, the employee will repay to the employer the monetary value of any such period of sick leave.
14.4 Sick leave on full pay shall not be granted to an employee who refuses or fails to complete an undertaking, except in cases where the employer is satisfied that the refusal or failure is unavoidable.
14.5 On repayment to the employer of the monetary value of sick leave granted to the employee, sick leave equivalent to that repayment and calculated at the employee’s ordinary rate of pay, shall be restored to the credit of the employee.

15. Special Leave

15.1 Special Leave -- Jury Service -- an employee shall, as soon as possible, notify the employer of the details of any jury summons served on the employee.
15.2 An employee who, during any period when required to be on duty, attends a court in answer to a jury summons shall, upon return to duty after discharge from jury service, furnish to the employer a certificate of attendance issued by the Sheriff or by the Registrar of the court giving particulars of attendances by the employee during any such period and the details of any payment or payments made to the employee under section 72 of the Jury Act 1977 in respect of any such period.
15.3 When a certificate of attendance on jury service is received in respect of any period during which an employee was required to be on duty, the employer shall grant, in respect of any such period for which the employee has been paid out-- of-pocket expenses only, special leave on full pay. In any other case, the employer shall grant, at the sole election of the employee, available recreation leave on full pay or leave without pay.
15.4 Witness at Court -- Official Capacity -- When an employee is subpoenaed or called as a witness in an official capacity, the employee shall be regarded as being on duty. Salary and any expenses properly and reasonably incurred by the employee in connection with the employee’s appearance at court as a witness in an official capacity shall be paid by the employer.
15.5 Witness at Court -- Other than in Official Capacity -- Crown Witness -- An employee who is subpoenaed or called as a witness by the Crown (whether in right of the Commonwealth or in right of any State or Territory of the Commonwealth) shall:
15.5.1 Be granted, for the whole of the period necessary to attend as such a witness, special leave on full pay; and

15.5.2 Pay into the Treasury of the State of New South Wales all money paid to the employee under or in respect of any such subpoena or call other than any such money so paid in respect of reimbursement of necessary expenses properly incurred in answer to that subpoena or call.

15.6 Called as a witness in a private capacity -- An employee who is subpoenaed or called as a witness in a private capacity shall, for the whole of the period necessary to attend as such a witness, be granted at the employee's election, available recreation leave on full pay or leave without pay.

15.7 Special Leave -- Examinations -- Special leave on full pay up to a maximum of 5 days in any one year shall be granted to employees for the purpose of attending at any examination approved by the employer.

15.8 Special leave granted to attend examinations shall include leave for any necessary travel to or from the place at which the examination is held.

15.9 If an examination for a course of study is held during term or semester within the normal class timetable and study time has been granted to the employee, no further leave is granted for any examination.

15.10 Return Home When Temporarily Living Away from Home -- Sufficient special leave shall be granted to an employee who is temporarily living away from home as a result of work requirements. Such employee shall be granted sufficient special leave once a month before or after a weekend or a long weekend or, in the case of a shift worker before or after rostered days off to return home to spend two days and two nights with the family. If the employee wishes to return home more often, such employee may be granted recreation leave, extended leave or credit or leave without pay, if the operational requirements allow.

15.11 Return Home When Transferred to New Location ---- Special leave shall be granted to an employee who has moved to the new location ahead of dependants, to visit such dependants, subject to the conditions specified in the Crown Employees (Transferred Employees Compensation) Award.

15.12 An employee who identifies as an Indigenous Australian shall be granted up to one day special leave per year to enable the employee to participate in the National Aborigines and Islander Day of Commemoration Celebrations. Leave can be taken at any time during NAIDOC week, or in the weeks leading up to and after NAIDOC week as negotiated between the supervisor and employee.

15.13 Special Leave -- Other Purposes -- Special leave on full pay may be granted to employees by the employer for such other purposes at the employer’s discretion.

16. Christmas Closedown

16.1 Employees may be required to take leave (paid or unpaid) during the period December - January each year when political office holders’ offices operate with minimal staffing or close down.

17. Absences from Work

17.1 An employee must not be absent from work unless reasonable cause is shown.

17.2 If an employee is to be absent from duty because of illness or other emergency, the employee shall notify or arrange for another person to notify the supervisor as soon as possible of the employee’s absence and the reason for the absence.

17.3 If a satisfactory explanation for the absence, is not provided, the employee will be regarded as absent from duty without authorised leave and the employer shall deduct from the pay of the employee the amount equivalent to the period of the absence.

17.4 The minimum period of leave available to be granted shall be a quarter day, unless local arrangements negotiated in the workplace allow for a lesser period to be taken.
Attachment B

Introduction

Staff have an important role in providing advice and assistance to Office Holders.

This Code of Conduct sets out the standards that Office Holder staff are expected to meet in the performance of their duties.

Applicability of the Code

This Code of Conduct applies to:

• staff employed by Ministers under Part 2 of the MOPS Act;
• government sector employees seconded to work in the office of an Office Holder (this does not include Department Liaison Officers, who remain employed by their agency and subject to their agency’s Code of Conduct);
• consultants engaged by Ministers to provide services in connection with their official duties; and
• staff employed by the Leader of the Opposition in the Legislative Assembly under Part 2 of the MOPS Act.

References in this Code to the Office Holder include references to a person who has been delegated the Office Holder’s employment functions under the MOPS Act.

Obligations of Office Holder Staff

Office Holder staff must meet the following standards in the course of discharging the duties of their employment:

All office holder staff

1. Behave honestly and with integrity.
2. Act with care and diligence.
3. Treat with respect and courtesy all those with whom they have contact.
4. Comply with any authorised and reasonable direction received in the course of their employment.
5. Take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interests (real or apparent), noting that staff are required to provide their Office Holder with a statement of private interests and update accordingly.
7. Not knowingly encourage or induce a public official to breach the law, Parliamentary obligations or duties under an applicable code of conduct.
8. Not make improper use of their position or access to information to gain or seek to gain a benefit or advantage for themselves or any other person.
9. Not access information unless it is immediately relevant to the work they are performing and ensure that information is not accessed by or disclosed to unauthorised persons.
10. Have no involvement in outside employment or in the management or work of any business, and not hold a position as a director or member of the governing body of any company or other entity, without the agreement of their Office Holder.
11. Use State resources for the effective conduct of public business in a proper manner. State resources are not to be subject to wasteful or extravagant use, and due economy is to be observed at all times. Staff must be scrupulous in ensuring the legitimacy and accuracy of any claim for entitlements.
12. Comply with the Gifts, Hospitality and Benefits Policy.
13. Familiarise themselves with this Code of Conduct both upon the commencement of their employment and on an ongoing basis whenever the Code may be amended.

**Government office holder staff only**

1. Divest themselves, or relinquish control, of interests in any private company or business and/or direct interest in any public company involved in the area of their Officer Holder’s portfolio responsibilities. (Relinquishing control may include actions such as ceasing trading for the period of employment, placing interests under ‘blind’ management, and ongoing disclosure statements).
2. When travelling overseas on official business, behave in a manner consistent with this Code and other relevant guidelines, to the extent they apply to officials on duty overseas.
3. Use their best endeavours to facilitate direct and effective communication between their agencies and their Office Holder.
4. Acknowledge that staff do not have the power to direct public servants in their own right and that public servants are not subject to their direction.
5. Recognise that executive decisions are the preserve of Ministers or lawfully authorised government officials, and not staff acting in their own right.
6. Comply with all applicable laws, applicable codes of conduct and Premier’s Memoranda (including, without limitation, the NSW Lobbyists Code of Conduct, record keeping requirements under the State Records Act 1998 and responsibilities under work health and safety legislation).
7. Maintain appropriate confidentiality about their dealings with their Minister, other Ministers, other Ministers’ staff, public servants and Parliamentary employees (including after the cessation of employment).
8. Other than in the course of their professional duties, not post personal online commentary or other material or publish books or articles expressing personal views which relate to either their Minister’s portfolio area or the general work of the NSW Government, unless otherwise approved by the employer.

**Implementation of Code**

Each Office Holder’s Chief of Staff is responsible for the day to day oversight of the obligations imposed by the Code within his or her office.

The MOPS Act provides that DPC can provide administrative and other support services to Office Holders and their staff.

Any sanctions relating to this Code will be determined by the relevant Office Holder. The Office Holder should consult with the Premier’s office.

Sanctions for breach of this Code may include (without limitation and in no order of precedence) counselling, cautions or warnings, suspension (with or without pay) or dismissal.

As a breach of this Code may also constitute a disciplinary offence for the purposes of the Independent Commission Against Corruption Act 1988, a breach of the Code may ground a finding of corrupt conduct under that Act.
Attachment C

Purpose
This policy explains what Office Holder staff need to do in relation to gifts or benefits that are offered to them in the context of their role or work.

Personal Responsibility
Each staff member has a personal responsibility for ensuring that any gifts or benefits they accept do not give rise to any actual or perceived conflict of interest or other ethical concerns.

It is important that staff engage in a considered and deliberate process of assessment regarding conflicts of interest and seek advice from the Office Holder where they have doubts.

What is a Gift, Hospitality or Benefit?
A gift, hospitality or benefit means:

1. any item, service, prize, meal, ticket, hospitality or travel,
2. provided by any stakeholder, customer, applicant, supplier, potential supplier or other person or organisation,
3. which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate, and
4. which is offered or received in the context of a staff member’s role or work.

If a staff member is required by their role to accompany their Office Holder at an event that the Office Holder is attending as the State’s representative, or where the Office Holder has asked the staff member to attend, then attendance at that event would not constitute a gift or benefit for the purposes of this policy, even if the event is a ticketed event and even if the Minister and accompanying staff are attending as guests of the event organiser.

What Gifts or Benefits should not be accepted?
Staff must NEVER:

- Solicit a gift or benefit
- Accept cash, cheques, money orders, gift vouchers or other similar gifts
- Claim or accept personal frequent flyer points or other loyalty points or bonuses for official travel, accommodation or other public expenditure
- Accept a gift or benefit where the giver expects favours in return
- Accept a gift or benefit as an inducement to act in a certain way, or where it could be perceived as an inducement
- Accept a gift or benefit where it is to be provided solely to a family member, relation, friend or associate
- Accept a gift or benefit where to do so could otherwise give rise to, or be perceived to give rise to, a conflict of interest.

Gifts, Hospitality or Benefits are Nominal or Reportable
A gift, hospitality or benefit that is offered to a staff member is nominal when:
• It totals $150 or less from the same source (individual or organisation) in the last 12 months.

All nominal gifts should be disclosed to the Office Holder. A gift that is offered to a staff member is reportable when
• It exceeds the nominal value from the same source (individual or organisation) in the last 12 months.

Where gifts, hospitality or benefits exceed the nominal value of $150, a written disclosure must be made and provided to the Office Holder.

All written disclosures will be kept on the Office Holder’s Register of Gifts and Benefits.

High-value gifts

High-value gifts should not generally be accepted. However, in some cases declining a gift might not be practicable or the high value of the gift might not immediately be known – for example, if the gift is from a visiting foreign delegation.

In such circumstances, staff should consult with their manager and consider relinquishing the gift to the State (which may, for example, donate it to charity or put it on display in a public building).

Reporting attempted bribery and other corrupt conduct

If a staff member is offered any gift, hospitality or benefit in circumstances where it appears that the gift or benefit is an inducement to act in a certain way, or where it could be perceived as an inducement, the staff member must report the matter to the Office Holder immediately and the appropriate authorities.

Consequences of non-Compliance with this Policy

Sanctions for breach of this policy may include (without limitation and in no order of precedence) counselling, cautions or warnings, suspension with or without pay, or dismissal.

A breach of this policy may also be a breach of Office Holder’s Staff Code of Conduct and therefore constitute a disciplinary offence for the purposes of the Independent Commission Against Corruption Act 1988.

Office Holder

The Office Holder also means their delegate.
DISCLOSURE OF GIFTS, HOSPITALITY AND BENEFITS FOR THE OFFICE HOLDER’S REGISTER OF GIFTS AND BENEFITS

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job</td>
<td></td>
</tr>
<tr>
<td>Political office holder and portfolio</td>
<td></td>
</tr>
</tbody>
</table>

Disclosure of Gifts, Hospitality or Benefits

In accordance with the Gifts, Hospitality and Benefits Policy for Office Holder Staff, office holder staff must disclose gifts, hospitality or benefits exceeding the total nominal value of $150 from the same source (individual or organisation) in the last 12 months.

Where gifts, hospitality or benefits exceed the total nominal value of $150 from the same source (individual or organisation) in the last 12 months, office holder staff must make a written disclosure and provide it to the Office Holder.

I disclose the following gifts, hospitality or benefits exceeding the total nominal value of $150 from the same source (individual or organisation) in the last 12 months:

<table>
<thead>
<tr>
<th>Gift accepted?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gift retained?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

High-value Gifts

I disclose the receipt of the following high-value gift and record the actions taken regarding this gift:

<table>
<thead>
<tr>
<th>Gift accepted?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gift retained?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Employee signature, date
The NSW Office Holder’s Staff Code of Conduct provides that all office holder staff must take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interests (real or apparent), noting that staff are required to provide their office holder with a statement of private interests and update accordingly.

The Premier's determination of conditions under section 7 of the Members of Parliament Staff Act 2013 requires that political office holders’ staff complete and lodge a Personal Interest Declaration and provide updated declarations as required.

Declaration of personal interests
To the best of my knowledge, I declare the following personal interests and those of my family members, which may cause, or may be perceived to cause, a conflict of interest with my role and responsibilities in the political office holder’s office:

Family member declaration
Political office holders’ staff must disclose whether they are a family member of past or sitting Member/s of the NSW Parliament. YES/NO. If yes, detail whom you are related to and the nature of this relationship:
Secondary employment

Political office holders’ staff must provide details of any other paid employment or business activity that they undertake outside of the employment in the political office holder’s office. YES/NO. If yes, specify name of employer, business or service sector, nature of duties:

……………………………………………………………………………………………………………

Employee signature, date

Lodging declaration of personal interests

Email new or updated declarations to your Chief of Staff, with a copy to: people&employment@mins.dpc.nsw.gov.au

Confidentiality

The declaration of personal interests will be treated confidentially, will be used only for employment related purposes, and will only be disclosed outside employment processes in accordance with official procedures for release of confidential employment information or where this is required by law.
Attachment E

Staff are responsible for the lawful, ethical, efficient and economical use, and for the security and care, of communication devices provided for business purposes. These communication devices are provided to assist staff to do their jobs effectively and for reasonable private use.

Passwords and/or tokens used to access mobile communication devices must not be stored with the device.

Staff should be aware of confidentiality and privacy issues when using mobile phones to conduct official business in public places.

Staff must immediately notify CMS ICT if any mobile communication device in their custody is lost or stolen.

When a staff member ceases employment, all mobile communication devices in their custody must be returned to CMS.
Attachment F

Principles

1. The payment of assistance is decided by the political office holder or delegate.
2. This policy covers reasonable relocation expenses, within Australia. Where a person is recruited from outside Australia, relocation expenses may only be met from the point of arrival in Australia.
3. Assistance is paid from the political office holder’s office budget.
4. On ceasing employment with the employing political office holder, the employee has no entitlement to relocation expenses to relocate to a new or former locality.

Eligibility

1. The prospective employee has attributes that are highly desirable for the role and cannot be matched by other candidates.
2. Any new employee who needs to relocate their home to be reasonably able to commute daily to the Sydney CBD.
3. Assistance is agreed in the employment negotiations and the arrangements are included in the offer of employment.
4. The prospective employee needs to be offered a contract with a length of 12 months or more.
5. The staff member will only be reimbursed for actual expenses, with a receipt or tax invoice submitted.

Expenses Covered

1. The types of expenses that may be covered are:
   1. Packing and relocating personal and household effects
   2. Storing personal and household effects
   3. Standard insurance cover for the relocation of personal and household effects
   4. Temporary accommodation in Sydney
   5. Travel expenses for the employee and the employee’s dependant (s);
2. Dependants would normally be limited to the employee’s spouse/partner and/or dependant school age children residing with the employee.
3. The relocation expenses that may be payable can vary depending on an employee’s personal and family circumstances. Employees who are required to relocate are advised to discuss their particular circumstances with the Department of Premier and Cabinet, to confirm which costs are considered reasonable and may be reimbursed, prior to any decision being taken.

Value of Assistance

1. Financial assistance may be up to the equivalent of one fortnight’s gross pay for the new recruit, excluding employer’s contribution to superannuation (annual salary divided by 260.892, multiplied by 10).

For example:

- On a salary of $200,000 the maximum payment = $7,666
- $200,000/260.892 = $766 (daily rate) multiplied by 10 =$7,666 (fortnightly salary and maximum relocation reimbursement).
Process

1. For Ministers only, the Premier’s Chief of Staff needs to be consulted prior to the offer of relocation assistance to prospective new employees.

2. Claims for reimbursement must be supported by three quotations from service providers and best value must be demonstrated in any case where the cheapest quotation is not accepted.

3. Financial assistance is paid by way of reimbursement of expenses incurred by the new employee, supported by receipts, certified by the Corporate and Ministerial Services Branch and approved for payment by the political office holder’s Chief of Staff.

4. Financial assistance is funded from the political office holder’s cost office budget.
Attachment G

Policy on severance payments for political office holders’ staff

(This policy applies to political office holders’ staff only and not to NSW Government sector employees seconded to political office holders’ offices.)

Employees are entitled to severance payments on a full time equivalent basis when their employment in a political office holder’s office is terminated for any reason (other than for reasons of misconduct and/or poor performance or at the employee’s own request or through the employee’s resignation).

Employees who receive a severance payment will be required to refund to the Crown any portion of the payment applying to the period of re--employment should they be re--employed in any capacity in a NSW Government sector service within the period covered by the severance payment, e.g. an employee who received 20 weeks’ severance pay and then secured employment with a NSW Government sector agency after 10 weeks, would be required to re --pay 10 weeks of the severance pay. The repayment should be made to the new employing agency. Severance payments are conditional on signature of the below Undertaking.

All periods of continuous service with NSW Government sector services are included when calculating severance pay which is based on the length of continuous service, provided no previous severance or redundancy payment has been made for any of this service.

Continuous service is defined as being employed without a break of a working day (e.g. resigning from a NSW Government sector service and commencing in the Minister’s Office the next working day).

The components of severance payments are:

- Notice or payment in lieu in accordance with the following table.

<table>
<thead>
<tr>
<th>Continuous service</th>
<th>Period of notice or payment in lieu</th>
<th>Period of notice or payment in lieu for employees aged 45 years and over with 5 or more years of completed service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any period of service for an indefinite period</td>
<td>4 weeks (full time equivalent basis)</td>
<td>5 weeks (full time equivalent basis)</td>
</tr>
</tbody>
</table>

- Any benefit allowable as a contributor to a retirement fund.
- Pro rata annual leave loading in respect of leave accrued (full time equivalent basis) at the date of termination.
- Severance payment (full time equivalent basis) at the rate of 3 weeks per year of continuous service with a maximum of 39 weeks, with pro rata payments for incomplete years of service to be on a quarterly basis.

Following a State election or a political office holder ceasing to hold office, staff employment may be continued for a temporary period of up to 3 months to assist with the establishment of new Ministers’ offices. At the conclusion of such temporary employment, where staff are not further employed in a Minister’s office, severance provisions will apply as if the staff member’s employment had been terminated. Transitional arrangements are subject to the approval of the Premier’s Chief of Staff.
Undertaking to refund severance payment in the event of re-employment or re-engagement in a NSW government sector agency

Severance payments to political office holders’ staff are made in accordance with the following policy on refunding the payment in certain circumstances, adapted from the policy on Managing Excess Employees.

Re-employment or Re-engagement

Employees who accept a severance payment cannot be re-employed or re-engaged in any capacity in any NSW Government sector agency within the period covered by their severance payment, without first repaying the relevant proportion of their severance pay.

This includes employment or engagement in any capacity as staff members, contractors, consultants or employees or principals of companies engaged in contracting to a NSW Government sector agency.

Obligations of Employees

Employees accepting a severance payment are required to sign an undertaking to refund to the Crown that proportion of the severance payment applying to the period of re-employment should they be re-employed or re-engaged in any capacity (including employment in temporary, part-time or casual employment, as a consultant, contractor or subcontractor) in a NSW Government sector agency within the period covered by the separation payment.

The repayment covers the relevant proportion of the severance payment (up to 39 weeks), but excludes the pay in lieu of notice.

Obligations of Employing Agencies

It is the responsibility of agency heads of the new employing organisation to ensure that this requirement for repayment is met.

Agencies must ensure that:

- The selection panel, convenor or manager responsible for recruitment ask the prospective employee questions regarding any previous NSW Government sector redundancy, retrenchment or termination payments. This must be done before any recommendation for permanent, temporary, part time, casual, contracting or consultancy engagement is submitted for approval.
- If repayment is required, such repayment is a condition of the offer of employment or engagement of the person as a consultant or contractor.
- Letters of employment inform prospective employees that non-disclosure of NSW Government redundancy payments which would otherwise be required to be proportionally refunded will invalidate the employment and may result in the employment being annulled.
UNDERTAKING TO REFUND

I undertake to refund to the Crown the appropriate proportion of my severance payment if I am re-employed or re-engaged in any capacity in any NSW Government sector agency within the period covered by the severance payment, as specified in the policy.

Name:........................................Signature........................................Date..............
Attachment H

When a NSW Government sector employee returns to the home agency or is employed by another NSW Government sector agency, following a secondment to an Office Holder’s office, the employee’s salary reverts immediately to the employee's substantive rate. The employee may however be entitled to salary maintenance for a period of three months in accordance with the following guidelines. These guidelines do not apply to DLOs who remain employees of their home agency while assigned to a Minister’s office.

The salary maintenance applies where:

- the employee has been seconded temporarily to the Office Holder’s office; and the employee has continuing employment with a NSW Government sector agency for the duration of the employee’s secondment to the Office Holder’s office; and the employee has at least twelve months’ continuous service in Office Holders’ offices; and the employee’s secondment to the Office Holder’s office is terminated for any reason (other than for reasons of misconduct and/or poor performance or at the employee’s own request or through the employee’s resignation); and the employee’s final salary during the secondment to the Office Holder’s office was higher than the employee’s substantive salary with the home or other employing agency; and the employee continues in NSW Government sector employment, either with the home or other employing agency, after the employee’s secondment to the Office Holder’s office is terminated (service may be regarded as continuous, for the purpose of salary maintenance, even though the employee may have taken a period of leave or break in service of up to 2 months commencing from the termination of the secondment and prior to returning to duty with the home agency or taking up duty with a new agency).

In these circumstances, the employee is entitled to salary maintenance for three months or until the date the employee resigns from NSW Government sector employment if this occurs during the three month period. In addition to the employee’s substantive salary, an allowance equal to the difference between the employee’s substantive salary and the final salary in the Office Holder’s office will be paid. The allowance will be paid from existing resources by the employing agency (the home agency or any other NSW Government sector agency which employs the person during the three month period) and will be absorbed into any salary increases resulting from promotions or salary increments for the employee during the three month period.

When the employee’s secondment to the Office Holder’s office is terminated, the home agency will be notified of:

- the date of the employee’s return from the Office Holder’s office; and the reason for the return; and whether the employee is entitled to salary maintenance in accordance with these guidelines

Attachment I

Recognition of prior government service for extended leave purposes may be given to a staff member who has had a continuous period of employment with an Australian Government agency, a NSW Government sector agency, an interstate government agency, or service referred to in section 5 of the Government Sector Employment Act 2013. The recognition is conditional upon commencing in a Minister’s office within two months after the conclusion of the employment with the former government service.

This is an arrangement approved under section 5 of the Members of Parliament Staff Act 2013.

The Public Service Commission maintains a list of all approved Commonwealth, state and interstate agencies for this purpose.

Evidence of prior government service needs to be provided to substantiate the validity of previous employment.
## Attachment J

### STUDY ASSISTANCE APPLICATION FOR OFFICE HOLDER STAFF

<table>
<thead>
<tr>
<th>Employee details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td><strong>Job</strong></td>
</tr>
<tr>
<td><strong>Political office holder and portfolio</strong></td>
</tr>
<tr>
<td><strong>Employee number</strong></td>
</tr>
<tr>
<td><strong>Phone number</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Study course details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of course/qualification</strong></td>
</tr>
<tr>
<td><strong>Name of university/education provider</strong></td>
</tr>
</tbody>
</table>

**Year I am applying for study assistance** *(Note: Applications need to be made in the year the course of study is being undertaken.)*

<table>
<thead>
<tr>
<th>Subjects I am enrolled in for this year’s terms/semesters:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subjects</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
Enrolment status (complete if you are undertaking a university course). Select one option.

<table>
<thead>
<tr>
<th>Commonwealth supported student</th>
<th>If yes, attach Commonwealth Assistance Notice</th>
</tr>
</thead>
</table>

OR

<table>
<thead>
<tr>
<th>Local full fee paying student</th>
<th>If yes, are you (select one option):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Paying upfront</td>
</tr>
<tr>
<td></td>
<td>OR</td>
</tr>
<tr>
<td></td>
<td>Deferring payment through FEE-HELP loan</td>
</tr>
</tbody>
</table>
### Ministers' Office Handbook

**Previous financial study assistance applications and results**

<table>
<thead>
<tr>
<th>Have you previously received financial study assistance?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, attach supporting evidence of successful completion (only include results you have not previously reported)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Financial details**

I am aware that:

- I may apply for up to $6,000 or the equivalent of 100% of the education costs, whichever is the lesser amount.
- If I do not successfully complete the course/s, I will need to repay the financial assistance.
- If I terminate my employment, I will need to repay any financial assistance received in the previous 12 months.

I am seeking assistance to the total amount of:

<table>
<thead>
<tr>
<th>Specified costs:</th>
<th>HECS-HELP</th>
<th>STUDENT FEES</th>
<th>COURSE FEES</th>
<th>RECOMMENDED/COMPULSORY BOOKS &amp; MATERIALS/OTHER</th>
<th>REPAYMENT OF FEE-HELP LOAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

**Payment/reimbursement options** (select one option)
If approved, I request payment of study assistance

<table>
<thead>
<tr>
<th>In advance by cheque made payable to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>____________________________________</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>By cheque to me as reimbursement for costs already incurred in the current year (receipts attached).</th>
</tr>
</thead>
</table>

Employee signature, date

<table>
<thead>
<tr>
<th>Office approval (by Political office holder OR Chief of Staff)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

The study will contribute to and not be detrimental to the employee’s performance

<table>
<thead>
<tr>
<th>The employee has attached evidence of enrolment, receipts and other relevant documents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Funds are available from the Political office holder’s budget

<table>
<thead>
<tr>
<th>Cost centre</th>
</tr>
</thead>
</table>

Political office holder/Chief of Staff signature, date

Please forward to people&employment@mins.dpc.nsw.gov.au with supporting documentation.

GovConnect Human Resources

<table>
<thead>
<tr>
<th>Receipts attached</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calculation correct</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Prepared by

Comments
Attachment K

Management Responsibilities

All staff managing other staff have a duty to provide and maintain, as far as practicable, a working environment that is safe and without risk to health. To carry out this responsibility managers and supervisors must:

- Ensure the Office Holder’s office work health and safety policy and procedures are implemented effectively.
- Ensure work health and safety duties are identified and assigned to appropriate staff.
- Ensure regular discussions on work health and safety take place between management and staff.
- Ensure all work health and safety procedures including hazard management, first aid, emergency action and evacuation are revised regularly.
- Provide necessary information, training and appropriate supervision to all Office Holder staff to enable them to understand and follow safe working procedures.
- Investigate and report to the Chief of Staff on all work health and safety incidents and accidents so that weaknesses in the WHS systems can be identified and corrected.
- Keep up to date with developments in work health and safety legislation and standards which impact on their work area.
- Ensure that all contractors engaged to carry out work for an Office Holder understand the safety standards expected of them and that they meet these standards in the way they carry out their work.
- Ensure that suppliers of equipment and services understand the safety standards expected of them and that the equipment meets appropriate standards and legislative requirements.
- Monitor current work health and safety performance and try to achieve a steadily improving standard. Comply with work health and safety policy and practices applying in the place of work where staff are located. Injury reports need to be lodged with the place of work in accordance with local arrangements and copied to people@employment@mins.dpc.nsw.gov.au.

Keeping Records

CMS will assist Office Holders with keeping the following work health and safety records:

- Training related to work health and safety
- Risk assessments of hazardous work
- A register of hazardous substances used in the workplace
- Risk management strategies, including safe work method statements and safe operating procedures as required
- Details of consultation arrangement, and how the arrangement was formed and operates
- A register of injuries
- A first aid register
- Records of all accident/incidents required to be reported to WorkCover.

Staff Responsibilities

Staff employed in an Office Holder’s office have a legal responsibility to actively contribute towards maintaining a healthy and safe workplace. To do this staff must:
• Work safely at all times to protect their own health and safety, the health and safety of everyone with whom they work and the health and safety of any person who is at the worksite.
• Report to their supervisor any hazards they encounter in their working day.
• Cooperate with all safety programs being implemented and follow specified safe systems of work.
• Participate in work health and safety consultation and training initiatives.
Attachment L

What is Bullying, Harassment and Discrimination

Bullying is the repeated, unreasonable behaviour directed towards a staff member or a group of staff members, that creates a risk to health and safety.

Harassment is a form of unlawful discrimination. It is behaviour that the other staff member does not want, and offends, embarrasses, intimidates, threatens, humiliates or insults the other staff member, and based on the available information, a reasonable person would consider it to be offensive, embarrassing, intimidating, threatening, humiliating or insulting. Harassment may include physical threats and sexual harassment, which may lead to criminal charges.

Discrimination can be characterised as either direct or indirect. Direct discrimination is when a staff member is treated less favourably compared with another staff member in the same or similar circumstances due to their attributes or characteristics. Indirect discrimination is when a requirement (or rule) that is the same for all staff members has an unfair effect or result on a particular staff member or a group of staff members.

Staff members should not be bullied, harassed or discriminated against on the grounds of sex, pregnancy, marital status, carer’s responsibilities, race, religion, disability or illness, age, sexual preference (actual or presumed), transgender status (actual or presumed), political opinion/affiliation, union involvement/non-involvement and irrelevant criminal record.

What Bullying, Harassment or Discrimination, is Not

It is not bullying, harassment or discrimination to:

- Express a difference of opinion or provide constructive feedback in a courteous manner.
- Carry out legitimate management decisions, such as transfer, reallocation of work, recruitment decisions or termination of a staff member.
- Give legitimate instructions and expect them to be carried out.
- Set realistic standards of performance, and discuss and guide work performance improvements.
- Counsel regarding work performance.

Raising a Grievance

A grievance is a clear statement, oral or written, by a staff member of a work related problem, concern or complaint, including those involving bullying, harassment, communication problems, interpersonal conflicts and discriminatory behaviour.

In the first instance the grievance should be managed by the Chief of Staff. If the grievance concerns the Chief of Staff or it cannot be resolved at the local office level it needs to be raised, in the case of Government Office Holder staff, with the Premier’s office, and in the case of other Office Holder staff with CMS.

If a grievance relates to alleged corrupt conduct, possible maladministration or serious or substantial waste of public money, the provisions of the Public Interest Disclosures Act 1994 may apply.
Victimisation

Victimisation is a serious matter. It is the responsibility of the member of staff handling the grievance to monitor the situation to ensure that the complainant does not suffer any repercussions. The appropriate member of staff must also ensure that the respondent is not victimised or disadvantaged.

If the matter concerns unlawful discrimination, the complainant needs to be informed of their right to make a complaint to the Anti-Discrimination Board or the Human Rights and Equal Opportunity Commission. More information is available at: http://www.antidiscrimination.justice.nsw.gov.au/ and www.humanrights.gov.au

Multiculturalism

The principles of Multiculturalism enshrined in the Community Relations Commission and Principles of Multiculturalism Act 2000 are:

- All individuals in NSW should have the greatest possible opportunity to contribute to and participate in, all aspects of public life in which they may legally participate.
- All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language. All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of NSW.
- All institutions of NSW should recognise the linguistic and cultural assets in the population of NSW as a valuable resource and promote this resource to maximise the development of the State.
Attachment M

Although Australia is not traditionally a gift-giving country, in a business or political context, in certain circumstances, it may be appropriate for Ministers to present gifts on behalf of the State of New South Wales. Other countries’ customs, good manners and goodwill may mean that it is necessary or appropriate to present a gift.

General comments about gifts

The decision to present a gift is at the discretion of the Minister, having regard to both appropriateness and economy.

Gifts may be appropriate, for example, where given as a memento of an official visit or as a small token of appreciation.

However, gifts should not be given with the purpose, or in circumstances where they could be perceived as having the purpose, of inducing favourable treatment.

 Ministers should be particularly careful when considering gifts to other governments or government officials to ensure that the giving of those gifts is not inconsistent with the laws and policies applying to that government. If in doubt, Minister should seek the advice of the Protocol and Hospitality Unit in the Department of Premier and Cabinet.

Purchase

Gifts may be purchased as needed on an occasional basis, or purchased and stored for future use.

Gifts need to be purchased in accordance with NSW Government procurement policy (e.g. having regard to ethical standards and using a contract supplier where available).

Inexpensive gifts do not require a quotation process and may be purchased over the counter. Complete records of all gifts purchased and given should be kept by Ministers offices.

Funding of gifts

Gifts may be funded from the Minister’s office budget, or by the relevant department/agency, whichever is the appropriate funding source having regard to the circumstances of each case.

Departments / agencies can assist with the clear identification of the relevant official purposes, compliance with procurement policy, adherence to this policy, and the distinction between official and private circumstances.

Gift giving may be generally considered in the following two situations

- Giving of gifts on official overseas visits and to official overseas visitors to NSW

Selection and Purchase

Gifts should be chosen having regard to their quality and/or Australian/local character and, where possible, items should be purchased at source. However, for practical reasons, purchases may also be made through galleries and retail outlets. Wherever practicable, products should be obtained from New South Wales’ designers and suppliers.
Choice of Gifts

The choice of gifts is at the discretion of the Minister within Ministerial financial allocations, as determined by the nature of individual visits and their importance. It may be appropriate for discreet enquiries to be made well in advance of visits of likely presentations and their value to ensure that appropriate custom and good manners are adhered to.

It may be prudent for advice to be sought on their behalf from the Protocol and Hospitality Unit of the Department of Premier and Cabinet as to the nature and value of an appropriate gift. This may avoid embarrassment, either because a gift is considered inappropriately modest or overly extravagant.

Issue of Gifts on behalf of the Premier

In the case of a Minister, Parliamentary Secretary or Member formally representing the Premier, the Premier’s office is to write to DPC’s Protocol and Hospitality Unit requesting that a gift be made available for presentation.

- Gift giving under other circumstances

Public funds appropriated to the Premier and Ministers may be used to purchase and present gifts on behalf of the State of New South Wales, consistent with this policy and where appropriate and necessary in the course of delivering the recurrent services of the Government.

The following principles always apply. Gifts must only be given:

- In connection with official purposes only and only where good manners or goodwill necessitate the presentation of a gift;
- Consistent with Australian and locally--operating laws (including the laws of other countries that operation extra--territorially such as the United States Foreign Corrupt Practices Act);
- Consistent with reasonable community expectations;
- Ensuring that no conflict of interest exists or appears to exist.

Gift giving for private purposes such as personal events and celebrations must be funded privately.
Attachment N

This policy describes the requirements for the use of the following network services (the Service):

- Computers
- Ministers’ Network
- Mobile Devices
- Internet
- Remote access
- Email
- Any other type of service used for official communications

Usage of the Service is monitored for compliance purposes. All acceptable use of the Service must be lawful, appropriate and ethical.

The Service is available to enable staff to perform their official duties effectively; however a limited reasonable amount of private use of the Service by staff is allowed.

The Internet should not be used to send official sensitive material. Direct connections which bypass the network firewall security system must be authorised on a case--by--case basis.

Electronic messages and records stored on or conveyed through the Service are subject to statutory record keeping requirements. All documents saved in the Ministers' Network can be recalled as official records through audits and/or legal proceedings.

Only work supplied mobile devices (e.g. phones, tablets and laptops) should be used to access information stored on the Ministers’ Network, as these devices have been configured with the appropriate network security. Use of personal mobile devices to access the Ministers’ Network needs to be arranged through CMS ICT.