EMPLOYEES OF THE PUBLIC SERVICE OF NEW SOUTH WALES

SECTION 52 (1) DETERMINATION NO 3 of 2018

Under the power accorded to me as the Industrial Relations Secretary, I determine, pursuant to section 52 of the Government Sector Employment Act 2013, the following conditions of employment:

1. SUPPORT FOR EMPLOYEES EXPERIENCING DOMESTIC AND FAMILY VIOLENCE

(a) Public Service employees are to have access to 10 days paid domestic and family violence leave per calendar year (non-cumulative and able to be taken in part-days, single days, or consecutive days), effective from 1 January 2019.

(b) Leave is to be available for employees experiencing domestic and family violence, for purposes including:
   i. seeking safe accommodation;
   ii. attending medical, legal, police or counselling appointments relating to their experience of domestic and family violence;
   iii. attending court and other legal proceedings relating to their experience of domestic and family violence;
   iv. organising alternative care or education arrangements for their children; or
   v. other related purposes approved by the agency head.

(c) When approving leave, the agency head needs to be satisfied, on reasonable grounds, that domestic and family violence has occurred, and may require evidence such as:
   i. an agreed document issued by the Police Force, a court, a domestic violence support service or a member of the legal profession;
   ii. a provisional, interim or final Apprehended Violence Order (AVO), certificate of conviction or family law injunction; or
   iii. a medical certificate.

(d) The leave entitlement can be accessed without the need to exhaust other existing leave entitlements first.

(e) The leave entitlement does not extend to casual employees. Temporary and part-time employees will be entitled to the leave on a pro-rata basis.

2. BASIS OF ENTITLEMENT

This Determination shall apply to all public service employees as defined in the Government Sector Employment Act 2013 employed in the Departments, Public Service executive agencies related to Departments, and separate Public Service agencies as listed in Schedule 1 to the Government Sector Employment Act 2013.
3. DATE OF EFFECT

The above arrangements shall take effect on and from 1 January 2019 and shall remain in force until varied or rescinded.

Michael Pratt AM
Secretary
NSW Treasury

Dated: 18.12.18.