



PUBLIC SERVICE (RECREATION LEAVE LOADING) AWARD

This is a consolidated version of an award of the South Australian Employment Tribunal published pursuant to the provisions of the Fair Work Act 1994.

PART 1 - APPLICATION AND OPERATION OF AWARD

OPDATE 10:07:1997 on and from

CLAUSE 1.1 TITLE

OPDATE 27:07:1998 on and from

This Award is to be known as "Public Service (Recreation Leave Loading) Award"

CLAUSE 1.2 ARRANGEMENT

OPDATE 10:07:1997 on and from

Table with 2 columns: Title, Clause No. Rows include Arrangement, Definitions, Recreation Leave Loading, Scope, Persons Bound and Locality, Title.

CLAUSE 1.3 SCOPE, PERSONS BOUND AND LOCALITY

OPDATE 27:07:1998 on and from

1.3.1 This award applies to employees engaged in the Public Service of South Australia.

1.3.2 This award is binding on the Commissioner for Public Employment and on employees of the Commissioner who are employed pursuant to the provisions of the Public Sector Management Act 1995, whether a member of an Association or not.

1.3.3 This award applies throughout the State of South Australia.

CLAUSE 1.4 DEFINITIONS

OPDATE 27:07:1998 on and from

'Allowances and penalties' include shift penalties, weekend penalties, fire-fighting allowances, annual allowances in lieu of overtime and uniform allowances.

'Employee' means an employee as defined in subclause (b) of section 3 of the Public Sector Management Act, 1995.

'Public Service' means the Public Service as defined in section 7 of the Public Sector Management Act, 1995.

'Salary' is to include the Whyalla cost of living loading and additional duties allowance payable pursuant to section 46 of the Public Sector Management Act 1995.

**CLAUSE 1.5 RECREATION LEAVE LOADING**

OPDATE 01:07:2018 1<sup>st</sup> pp on or after

1.5.1 During a period of recreation leave or pro rata leave an employee is to be paid a loading computed upon the normal salary attaching to the office concerned at the time the employee commences leave.

1.5.2 The loading is to be applied as follows:

1.5.2.1 If employed other than a shift worker or as a seven-day week worker,

either;

a loading of 17½ percent of the salary up to a maximum of \$912.97 for any one full entitlement of annual leave,

or

the allowances and penalties payable had the employee not been on leave during the relevant period, whichever is the greater.

1.5.2.2 If employed as a shift worker or a seven-day week worker (i.e. an employee who is working rotating shifts on seven days a week, or who is rostered to work regularly on active duties on Saturdays, Sundays and public holidays),

either;

a loading of 20 percent of salary up to a maximum of \$912.97 for any one full entitlement of annual leave,

or

the allowances and penalties payable had the employee not been on leave during the relevant period,

whichever is the greater.

1.5.2.3 An employee who is employed for part of a year as a shift worker or a seven day week worker is to be paid a loading as prescribed in 1.5.2.2 on a pro rata basis for completed months worked as a shift worker or a seven-day week worker and for the balance to be paid a loading as prescribed in 1.5.2.1.

*NOTE: On 19/08/2019 SAET stayed the operation of this clause 1.5:*

55. Pursuant to s 69(2) of the *South Australian Employment Tribunal Act 2014*, the declaration and orders of 1 May 2019 are stayed pending the Full Court of the Supreme Court of South Australia making orders that finally determine and dispose of the appeal instituted by the SA Government in action number SCCIV 528 of 2019: *The Treasurer for the State of South Australia and the Chief Executive, Department of Premier and Cabinet v United Trades and Labor Council of South Australia (Trading as SA Unions)* (“the appeal proceedings”).

56. That the Chief Executive, Department of Treasury and Finance as the current declared employer of public sector employees under the *Fair Work Act 1994*, and any other public sector employing entity of South Australia, be relieved from any obligation and not required, to give effect to the declaration and orders of 1 May 2019 (including the effect of any amendments made to any Award pursuant to Order D) until such time as the Full Court of the Supreme Court of South Australia makes orders that finally determine and dispose of the appeal proceedings.

*State Wage Case 2018 (No. 2) [2019] SAET 170*

**APPLICATIONS FILED**

<b>File No</b>	<b>Description</b>
<b>06408/2000</b>	AWARD VARIATION (Reg No 23) Application withdrawn.
<b>06456/2000</b>	AWARD VARIATION (Reg No 24) Award varied. Cl. 1.5 Recreation Leave Loading re SWC 1998 & 1999. Oupdate 01/07/2000.
<b>06459/2000</b>	AWARD VARIATION (Reg No 25) Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2000. Oupdate 01/07/2001.
<b>06312/2001</b>	AWARD VARIATION Award varied. Cl 1.5 Recreation Leave Loading re SWC 2001. Oupdate 1/7/2002.
<b>00796/2003</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2002. Oupdate ppc 01/07/2003.
<b>04350/2003</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2003. Oupdate ppc 01/07/2004.
<b>02341/2005</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2004. Oupdate ppc 01/07/2005.
<b>04871/2005</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2005. Oupdate ppc 01/07/2006.
<b>00233/2006</b>	AWARD VARIATION Award NOT varied. Appln withdrawn (see 4871/2005).
<b>01698/2007</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re General Appln to Review Wages 2006. Oupdate ppc 01/07/2007.
<b>02817/2008</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2007. Oupdate ppc 01/07/2008.
<b>06071/2008</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2008. Oupdate ppc 01/10/2008.
<b>05780/2009</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2009. Oupdate ppc 01/10/2009.
<b>04673/2010</b>	AWARD VARIATION Award varied. Cl. 1.5 Recreation Leave Loading re SWC 2010. Oupdate ppc 01/10/2010.
<b>04081/2011</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2011. Oupdate ppc 01/10/2011.

<b>File No</b>	<b>Description</b>
<b>02674/2012</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2012. Oupdate ppc 01/07/2012.
<b>03091/2013</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2013. Oupdate ppc 01/07/2013.
<b>04370/2014</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2014. Oupdate ppc 01/07/2014.
<b>06460/2015</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2015. Oupdate ppc 01/07/2015.
<b>3186/2016</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2016. Oupdate ppc 01/07/2016.
<b>3296/2017</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2017. Oupdate ppc 01/07/2017.
<b>1745/2019</b>	AWARD VARIATION Award Varied. Cl. 1.5 Recreation Leave Loading re SWC 2018. Oupdate ppc 01/07/2018. Variation stayed 19/08/2019 see [2019] SAET 170.