

APSC Conditions comparison spreadsheet.

Agency Name: Home Affairs							
No.	Condition	Proposed Common Entitlement/Clause	Part A Common Condition or Still Subject to Bargaining	Q1. Entirely new entitlement/clause not currently in Agency EA (Yes / No)	Q2. Proposed common entitlement/clause compared to current agency EA entitlement/clause (Improvement / Reduction / Same)	Q3. Current Agency Provisions in EA or Determination	Notes
1	Personal Carers Leave (PCL)	Employees entitled to 18 days paid PCL leave.	Subject to Bargaining	No	Same	4.62 Employees other than those specified in clause 4.63 accrue 18 working days of paid personal leave for each completed year of service with the Department, accruing daily and credited monthly	
2	Personal Carers Leave (PCL)	PCL may be used by an employee to attend appointments with a registered health practitioner (i.e. for preventative health purposes)	Subject to Bargaining	Yes	Improvement	N/A	WD does not specifically state that PCL can be used for appointments, though employees can access their PCL for medical appointments
3	Personal Carers Leave (PCL)	Ongoing employees will receive their annual credit of PCL upon engagement with the Agency, PCL will then accrue daily in subsequent years, and must be credited at least monthly. Non-ongoing employees will receive their initial contract period upon commencement with the Agency (capped at 18 days). Following the lesser of the initial contract period or 1 year, PCL will then accrue daily, and must be credited at least monthly.	Subject to Bargaining	No	Improvement	4.62 Employees other than those specified in clause 4.63 accrue 18 working days of paid personal leave for each completed year of service with the Department, accruing daily and credited monthly. 4.63 Employees who commence their ongoing APS employment on engagement with the Department will be credited with 18 days of paid personal leave on commencement.	WD does not specify arrangements for Non-ongoing employees, this is the aspect that is an improvement.
4	Personal Carers Leave (PCL)	Clarification of how PCL interacts with chronic illness: - PCL may be used to manage a chronic illness. - A certificate from a registered health practitioner may be used as evidence of a chronic illness for up to 12 months for both personal leave and carer's leave.	Subject to Bargaining	Yes	Improvement	N/A	4.64 Any unused personal leave accumulates but cannot be cashed out or paid out on cessation of employment with the Department.
5	Annual Leave	May be taken at half pay. However, unless approved by the Agency Head (or delegate), it may not be taken at half pay where the employee has an excessive leave balance.	Part A Common Condition - Principles agreed, Chief Negotiator considering providing example clauses for some aspects.	Yes	Improvement	4.8 Employees accrue 4 weeks paid annual leave for each completed year of service, accruing daily and credited monthly.	Our WD makes no mention of taking annual leave at half pay, however the secretary signed off on a determination which allows employees to take annual leave at half pay. No mention anywhere about limiting half-pay access with an excess leave balance.
6	Annual Leave	Where annual leave is cancelled or the employee is recalled to duty, the employee will be reimbursed travel costs not recoverable from insurance or other sources. Evidence of costs may be required.	Part A Common Condition - Principles agreed, Chief Negotiator considering providing example clauses for some aspects.	No	Same	4.10 Where an Employee's annual leave is cancelled by the Secretary without reasonable notice or an Employee is recalled to duty from annual leave, the Employee will be entitled to be reimbursed reasonable travel costs and incidental expenses not otherwise recoverable from insurance or any other source. 4.11 The Employee will be re-credited the period of unused leave equivalent to the days they have been recalled to duty.	
7	Long Service Leave	The minimum period for which long service leave will be granted is 7 calendar days whether taken at full or half pay. (This is opposed to only being able to take long service leave in blocks of 14 minimum days at half pay).	Part A Common Condition	No	Improvement	4.41 Long service leave will accrue and be available to eligible Employees in accordance with the Long Service Leave (Commonwealth Employees) Act 1976. 4.42 Long service leave may be granted at either full or half pay, subject to operational requirements and the approval of the Secretary. Unless otherwise provided in legislation, periods of long service leave cannot be broken with weekends, public holidays or other periods of leave. 4.43 The minimum period for which an Employee may be granted long service leave is 7 consecutive calendar days at full pay or 14 consecutive calendar days at half pay.	
8	Compassionate Leave	Employees entitled to 3 days paid leave on each occasion	Subject to Bargaining	No	Improvement	4.27 Employees are entitled to 2 days of paid compassionate leave for each occasion where a member of the Employee's Family or household contracts an illness or sustains an injury that poses a serious threat to his or her life.	
9	Bereavement Leave	Employees entitled to 3 days paid leave on each occasion	Subject to Bargaining	No	Same	4.28 Employees are entitled to 3 days of paid bereavement leave for each occasion where a member of the Employee's Family or household dies.	
10	Cultural and Ceremonial Leave - First Nations Staff	First Nations employees may access up to 6 days paid leave over 2 years to participate in significant activities associated with their culture or to fulfil ceremonial obligations.	Part A Common Condition - Drafting to reflect that leave can be used on part days.	No	Improvement	4.20 The Secretary may approve the taking of up to 10 days of unpaid ceremonial leave over a 2 year period to enable an Employee to participate in ceremonial activities (for example, those associated with the death of a member of their family or extended family or obligations under Aboriginal or Torres Strait Islander law).	We will retain the 10 days, with the first 6 being paid.
11	NAIDOC Leave - First Nations Staff	First Nations employees may access up to 1 day paid leave per annum to participate in NAIDOC week activities.	Part A Common Condition - Drafting to reflect that leave can be used on part days.	No	Reduction	4.46 The Secretary will grant Employees one day of paid leave each year to enable their participation in activities related to NAIDOC Week. This leave can be taken as either a full day absence or several short absences to the equivalent of one day across the week.	Currently available to all staff, will retain for all staff.
12	NAIDOC Leave	Other employees will be supported to participate in agency NAIDOC week activities.	Part A Common Condition	Yes	Same	4.46 The Secretary will grant Employees one day of paid leave each year to enable their participation in activities related to NAIDOC Week. This leave can be taken as either a full day absence or several short absences to the equivalent of one day across the week.	While not previously in our agreement - however we would always have allowed staff to participate in agency NAIDOC activities.
13	Cultural Leave	Employees not eligible for First Nations Ceremonial or NAIDOC Leave may be granted up to 3 days paid leave per annum for the purpose of attending essential religious or cultural obligations associated with the employee's particular religious faith or culture.	Part A Common Condition - Chief Negotiator considering part day leave and "essential". Outcome to be advised out of session.	Yes	Improvement	N/A	Under policy we provide for up to 10 days of unpaid miscellaneous leave over a two year period for employees requiring leave for other religious and/or cultural events.
14	Definition of Family - Kinship	Does your agency definition of family contain First Nations kinship?	Subject to Bargaining	No		A.14 Family or household means: (a) a former or current partner, child, parent, grand-parent, grand-child or sibling of the Employee; or (b) a child, parent, grand-parent, grand-child or sibling of a former or current partner of the employee; or (c) a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the employee belongs; or (d) any person dependent on the employee for care and support.	Our Family and Domestic Violence clause states 'a person related to the Employee according to Aboriginal and Torres Strait Island kinship rules'.
15	Lactation Breaks	Reasonable paid time will be granted for lactation breaks, and agencies are to provide appropriate facilities for breastfeeding/expressing milk where practicable.	Part A Common Condition - Drafting to be settled.	Yes	Improvement	N/A	Currently available to staff through policy, as unpaid break.

16	Higher Duties	Where a role needs to be filled for 2 or more working weeks, higher duties allowances will be payable to any temporary occupants of the role. Agency Head will have discretion to shorten qualifying period on a case-by-case basis.	Subject to Bargaining	No	Same	5.17 Where an Employee temporarily performs duties of a higher classification, a higher duties allowance will be payable for the period of acting beyond 10 working days, or an earlier period as determined by the Secretary. Where an Employee has undertaken periods of acting beyond 10 working days in a financial year all subsequent periods of acting will attract a higher duties allowance from the commencement of the period of acting.	Our secretary signed a determination in March 2022 that allows higher duties to be paid from the first day of acting.
17	Higher Duties	This includes partial acting duties, job sharing and part-time acting duties undertaken by any employee within 2 or more working weeks.	Subject to Bargaining	Yes	Improvement	N/A	While technically an improvement on the WD, has not been an issue since the above mentioned determination which paid higher duties from the first day of acting.
18	Higher Duties	Employees will be eligible for salary advancement at both their acting and substantive level if other eligibility requirements have been met. Employees on higher duties will be paid at the minimum of the salary range for their acting classification, unless they have been eligible for salary progression at their acting level or otherwise determined by the Agency Head.	Subject to Bargaining	No	Reduction	5.18 The payment of higher duties allowance will bring the Employee's salary to the minimum salary level for the classification for the acting position, subject to the Employee's adjusted salary being no less than 4 per cent above the Employee's substantive salary. The Secretary may determine a higher amount of higher duties allowance. 5.21 Employees who have been on higher duties for an aggregate period of at least 6 of the last 12 months will be eligible for an increase in the rate of higher duties allowance at the same rate as salary advancement provided they have received a performance rating of 'met expectations' or above at that level. An Employee's salary level will be retained for any subsequent higher duties, as long as the gap between periods of acting is no more than 12 months.	New proposed clause would only be considered a partial reduction to existing higher duties entitlements because employees at a minimum will receive 4% of their substantive salary or the minimum of the actual pay point/classification, whichever is the greater.
19	Blood Donation	Employees can take reasonable time away from duty (including reasonable travel time) during their ordinary hours of work to donate blood, plasma or platelets. Employees will be taken to be on duty during this time.	Part A Common Condition	Yes	Improvement	N/A	Currently provided for under policy.
20	Vaccination	Agency will offer annual influenza vaccinations and vaccinations required for an employee to perform their role, at no expense to the employee.	Part A Common Condition	Yes	Improvement	N/A	Currently provided for under policy.
21	EAP	Employees, their spouse or partner, and their dependents/children will have access to a confidential, professional counselling service to assist employees to manage personal and work related issues. This service will be provided at no cost to employees and will be accessible on paid time.	Part A Common Condition. Drafting - to include drafting note on risk profile of the organisation and the role.	Yes	Improvement	N/A	Currently provided for under policy.
22	Portability of Leave	Ability to recognise PCL on employee engagement from a non-APS Agency provided there is no break in continuity of service. (Note this does not include portability from the Parliamentary Departments or ACT Government, which have separate arrangements in all current EAs).	Part A Common Condition - Drafting to be settled.	No	Improvement	4.85 Where an Employee moves (including on promotion or for an agreed period) from another Agency where they were an Ongoing employee or an ongoing employee of the Parliamentary Service or the ACT Government Service, the Employee's unused accrued annual leave and personal/carer's leave (however described) will be recognised, provided there is no break in continuity of service.	
23	Portability of Leave	Ability to recognise PCL on employee engagement from a state or territory government, provided there is no break in continuity of service. (Note this does not include portability from the Parliamentary Departments or ACT Government, which have separate arrangements in all current EAs).	Part A Common Condition - Drafting to be settled.	Yes	Improvement	4.85 Where an Employee moves (including on promotion or for an agreed period) from another Agency where they were an Ongoing employee or an ongoing employee of the Parliamentary Service or the ACT Government Service, the Employee's unused accrued annual leave and personal/carer's leave (however described) will be recognised, provided there is no break in continuity of service.	
24	Portability of Leave	An employee with a break in service of less than two months is considered to have continuity of service (for the purposes of portability of leave).	Part A Common Condition - Drafting to be settled.	No	Improvement	4.86 Where the Secretary employs the Employee on an Ongoing basis, and immediately prior to the engagement the person was employed as a Non-ongoing employee, the Secretary may, at the Employee's request, recognise any accrued annual leave and personal/carer's leave (however described), provided there is no break in continuity of service.	
25	Emergency Response Leave	Minimum 20 days paid leave provided for employees who engage in eligible community service activities.	Part A Common Condition	No	Improvement	4.24 The Secretary will approve paid leave to enable an Employee to participate in an emergency service activity associated with a State Emergency Service, firefighting service, search and rescue unit or other volunteer community service performing similar functions. 4.25 The Secretary may grant up to 4 days' paid leave for each emergency service activity. The Secretary may approve additional paid or unpaid leave for an ongoing emergency response activity or other related activities such as regular training, reasonable travel, recovery time and ceremonial duties.	
26	Disaster Leave	Paid miscellaneous leave may be granted where an official disaster or emergency prevents an employee from reasonably attending work, or where it impacts their household or home.	Part A Common Condition - Drafting to be settled.	Yes	Improvement	N/A	Currently provided for under policy.
27	Family and Domestic Violence Supports	Comprehensive clause detailing support to be provided to employees experiencing family and domestic violence. Clause includes paid miscellaneous leave, processes to minimise safety risks for the affected employee, privacy provisions, changes to flexible working arrangements, shift patterns, hours of work, location of work and access to EAP.	Subject to Bargaining	No	Improvement	domestic violence, as follows: (a) the leave is available in full at the start of each 12 month period of the Employee's employment, and (b) the leave does not accumulate from year to year, and is available in full to Part-time and Casual employees. Notes: 1. A period of leave to deal with Family and domestic violence may be less than a day by agreement between the Employee and the Secretary. 2. The Secretary and Employee may agree that the Employee may take more than 5 days' unpaid leave to deal with Family and domestic violence. 4.78 An Employee may take unpaid leave to deal with Family and domestic violence if the Employee: (a) is experiencing Family and domestic violence; and (b) needs to do something to deal with the impact of the Family and domestic violence and it is impractical for the Employee to do that thing outside their ordinary hours of work. Note: The reasons for which an Employee may take leave include making arrangements for their safety or the safety of a Family member (including relocation), attending urgent court hearings or accessing police services. 4.79 The time an Employee is on unpaid leave to deal with Family and domestic violence does not count as service but does not break the Employee's	Paid leave currently provided for under policy.

28	Jury Duty	Employees who are required by a court to attend either for jury selection or to act as a juror will be released from duty on full pay for the period required, without the need to apply for leave.	Part A Common Condition - Drafting to be settled.	No	Same	4.21 Employees who are required by a court to attend for jury selection or to act as a juror will be entitled to paid leave for the period required by the court. 4.22 The Employee must advise the Secretary in advance and provide proof of the requirement for their attendance. 4.23 If the Employee receives a payment from the court for their attendance (other than expenses reimbursed by the court, such as parking), they must sign over that amount to the Department or repay that amount to the Department. If this does not occur, the Secretary is authorised to deduct an equivalent amount from the Employee's fortnightly pay.
29	Witness Leave	An employee giving evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth or a Commonwealth party in the course of their duties, will be considered on duty.	Subject to Bargaining	Yes	Improvement	N/A
30	Witness Leave	An employee who is required to give evidence to, appear before or attend to instruct at a Court, Tribunal or Royal Commission on their own behalf in relation to their duties will be released from duty without loss of pay. The [Agency Head] may refuse to release an employee from duty having regard to business requirements and whether the employee's attendance is necessary for the Court, Tribunal or Royal Commission hearing	Subject to Bargaining	Yes	Improvement	N/A
31	Defence Reservist Leave	4 Weeks paid leave per financial year and additional 2 weeks paid leave for first year of ADF Reserve Service.	Part A Common Condition	No	Same	related Australian Defence Force (ADF) Reserve and Continuous Full-time Service (CFTS) or Cadet Force obligations in accordance with clauses 4.31 to 4.40. 4.31 The Secretary will grant up to 20 days paid defence reserve leave each year for the purpose of fulfilling service in the ADF Reserve, including training and operational duty as required. 4.32 The Secretary will grant up to an additional 10 days paid defence reserve leave for an Employee's first year of ADF Reserve service in order to facilitate participation in additional ADF Reserve training, including induction requirements. 4.33 The Secretary may grant additional paid or unpaid defence reserve leave, taking into account operational requirements. 4.34 With the exception of the additional 10 days in the first year of ADF Reserve service, leave can be accumulated and taken over a period of 2 years to enable the Employee to undertake training as a member of the ADF Reserves. 4.35 Defence reserve leave is not available to Employees who are undertaking work for the ADF through a Fixed Period of Service agreement (as defined in relevant legislation). 4.36 Employees must provide written evidence of the request for their attendance for duty. 4.37 Employees accessing paid defence reserve leave will continue to have
32	Defence Reservist Leave	Officers and instructors of cadets eligible for 3 weeks paid leave per year.	Part A Common Condition	Yes	Improvement	4.30 The Secretary will grant Ongoing employees leave to enable them to fulfil related Australian Defence Force (ADF) Reserve and Continuous Full-time Service (CFTS) or Cadet Force obligations in accordance with clauses 4.31 to 4.40.
33	Defence Reservist Leave	Paid leave may be granted to an employee to attend an interview or medical examination in connection with the enlistment of the employee in a Reserve Force of the Defence Force	Part A Common Condition	Yes	Improvement	N/A
34	Defence/War Service Sick Leave	Employee is eligible for Defence Service Sick Leave when Department of Veterans Affairs has certified that an employees medical condition is as a result of operational service (officially known as war-like and non-warlike). An eligible employee gets 2 credits: - 9 weeks on the later of commencement with the APS or certification by DVA - Annual credit of 3 weeks Annual credits can build up to a maximum of 9 weeks Annual credits cannot be used until the initial credit is exhausted.	Part A Common Condition	No	Same	4.98 The Secretary will grant war service sick leave to Employees who are unfit for duty because of a war-caused or defence-caused condition. A war-caused or defence-caused condition is an injury or disease that has been determined under the <i>Veterans' Entitlement Act 1986</i> or the <i>Military Rehabilitation and Compensation Act 2004</i> to be war-caused or defence-caused. 4.99 Employees who are eligible for war service sick leave will be granted: (a) a 9 week special credit of war service sick leave from the date they commence employment with the APS; and (b) a 3 week annual credit of war service sick leave on the date of commencement with the APS and after each subsequent 12 months of service. This may not be granted until the special credit has expired. 4.100 Unused annual credits will accumulate, subject to a maximum annual credit balance of 9 weeks.
35	Job Security	A clause recognising that the usual basis of engagement in the Agency is an ongoing APS employee.	Subject to Bargaining	Yes	Improvement	N/A

36	Parental Leave	No common condition reached at this stage. Please advise us on current entitlements for paid parental leave for the birth-giving parent including 12 weeks paid leave provided by the maternity leave act for employees with 12 months continuous service.	Subject to Bargaining			<p>Maternity leave</p> <p>Maternity Leave Act entitlement</p> <p>4.52 Access to maternity leave will be in accordance with the Maternity Leave (Commonwealth Employees) Act 1976.</p> <p>4.53 Where an Employee is either:</p> <p>(a) on unpaid maternity leave and applies for paid leave, or</p> <p>(b) on paid maternity leave and applies for paid leave contiguous with that paid leave,</p> <p>and is eligible for that leave, the Employee will be granted the paid leave.</p> <p>Additional Determination entitlement</p> <p>4.54 Employees eligible for paid maternity leave under the Maternity Leave (Commonwealth Employees) Act 1976 will be granted an additional 2 weeks of paid leave. This additional leave is to be taken contiguous with paid leave under the Maternity Leave (Commonwealth Employees) Act 1976.</p> <p>4.55 The Secretary may approve the payment for the maternity leave and additional maternity leave over a maximum period of 28 weeks, pro-rated over the period. If such approval is given, only 14 weeks of the period will count as service.</p> <p>4.56 On ending the initial 52 weeks of maternity leave, the Secretary may grant a request for an extension of unpaid leave for a further period of up to 52 weeks in accordance with the NES under the Fair Work Act 2009.</p>	
37	Parental Leave	No common condition reached at this stage. Please advise us on entitlements provided for parental leave in relation to adoption and foster care	Subject to Bargaining			<p>Adoption/foster leave</p> <p>4.47 An Employee</p> <p>(a) has completed at least 12 months of continuous service with the APS,</p> <p>(b) adopts or fosters a child on permanent placement, and</p> <p>(c) is that child's primary caregiver,</p> <p>is eligible to take adoption/foster leave in accordance with clauses 4.49 to 4.51.</p> <p>4.48 Applications for adoption/foster leave must be supported by official documentary evidence from the relevant person/organisation with statutory responsibility for the placement of the child. This evidence must include the date of placement of the child with the Employee.</p> <p>Paid entitlement</p> <p>4.49 The Secretary will grant up to 14 weeks of paid adoption/foster leave. Entitlement to paid adoption/foster leave will commence on and from the day of placement of the child with the Employee for adoption/fostering and must not commence at any later time.</p> <p>4.50 The Secretary may approve the payment for adoption/foster leave over a maximum period of 28 weeks, pro-rated over the period (with the exception of Employees on an overseas Posting). If such approval is given, only 14 weeks of the period will count as service.</p> <p>Unpaid entitlement</p> <p>4.51 Employees who have at least 12 months continuous service in the APS are entitled to unpaid adoption/foster leave in accordance with Subdivision B of Division 5 of Part 2-2 of the Fair Work Act 2009. Employees may also be entitled to 2 days of unpaid pre-adoption leave in accordance with section 85 of the Fair Work Act 2009.</p>	
38	Parental Leave	No common condition reached at this stage. Please advise the entitlements for unpaid parental leave.	Subject to Bargaining	Yes		As above.	
39	Parental Leave	No common condition reached at this stage. Please advise us on entitlements provided for parental leave in relation to non-birth giving parent (supporting partner leave)	Subject to Bargaining	Yes		<p>Supporting Partner leave</p> <p>4.57 An Employee who:</p> <p>(a) has completed at least 12 months continuous service with the APS, and</p> <p>(b) is not eligible for maternity leave or adoption/foster leave, is eligible to receive supporting partner leave in accordance with clauses 4.59 to 4.61.</p> <p>4.58 Documentary evidence (of a nature equivalent to maternity or adoption/foster leave, whichever is most relevant) must be provided in support of the application for supporting partner leave.</p> <p>Paid entitlement</p> <p>4.59 The Secretary will grant up to 4 weeks of paid supporting partner leave on the occasion of:</p> <p>(a) the birth of their child (or their Partner's child), or</p> <p>(b) adoption or permanent foster care placement of a child (or their Partner's child).</p> <p>Entitlement to supporting partner leave will commence on and from that occasion and must not commence at any later time.</p> <p>4.60 The Secretary may approve payment of the 4 weeks of paid supporting partner leave over a maximum period of 8 weeks, pro-rated over the period (with the exception of Employees on an overseas Posting). If such approval is given, only 4 weeks of the period will count as service.</p> <p>Unpaid entitlement</p> <p>4.61 The Secretary may grant up to 52 weeks of unpaid supporting partner leave (extendable by a further period of up to 52 weeks) in accordance with the NES under the Fair Work Act 2009.</p> <p>Under policy we provide SPL at a time later than immediately after the birth of the child (etc) in certain circumstances where staff are unable to stop critical work - such as when at sea, or in required ABF operational training.</p>	
40	Parental Leave	No common condition reached at this stage. Any other entitlements under parental leave not listed above.	Subject to Bargaining	Yes		N/A	As above is our only addition/exception.
41	Professional Qualifications	Agency will pay for an employees qualifications and certifications where the agency requires the employee to maintain these for the performance their role.	Subject to Bargaining	No	Same	5.24 The Secretary will, upon production of appropriate documentary evidence, meet the cost of professional association membership, practising certificates, formal accreditation or registration fees, and required training where there is a requirement to maintain these arrangements with a professional body in order to perform the duties of a particular role in the Department.	
42	Part-Time Work	Employees engaged on a full-time basis will not be compelled to convert to part-time employment. Employees engaged on a part-time will not be compelled to convert to full-time employment	Subject to Bargaining	Yes	Improvement	N/A	
43	Public Holidays	Ability to substitute a public holiday on cultural or religious grounds by agreement.	Subject to Bargaining	No	Same	3.44 The Secretary and an Employee may agree on the substitution of a day or part day that would otherwise be a public holiday, including for a cultural or religious day of significance to the Employee, subject to operational requirements.	

44	Workplace Responsibility Allowances	A workplace responsibility allowance will be paid where an agency has appointed an employee to perform one of the following roles: - First Aid Officer - Health and Safety Representative - Emergency Warden - Harassment Contact Officer - Mental Health First Aid Officer	Part A Common Condition - Drafting to be settled.	No	Same	5.45 Subject to clauses 5.46 and 5.47, where the Secretary has designated responsibilities as as: (a) First Aid Officer, (b) Health and Safety Representative, (c) Integrity Support Officer, (d) Harassment Contact Officer, or (e) Emergency Control Volunteer,	Please note, we also pay an allowance to Integrity Support Officers and having an allowance for Mental Health First Aid Officers would be an improvement to existing conditions.
45	Workplace Responsibility Allowances	The WRA will be a minimum of \$29.34 per fortnight and will increase in accordance with the headline wage increase.	Part A Common Condition - Drafting to be settled.	No	Improvement	the Employee will be paid an allowance calculated annually and paid fortnightly, as follows: Level 2 First Aid - Senior First Aid \$616 Level 3 First Aid or higher qualification \$756 Other workplace responsibility \$381 Secretary determines that: (a) there is an identifiable and continuing operational need for the Employee's language skills (including Aboriginal and Torres Strait Islander languages and Auslan); and (b) the Employee's language competence meets a recognised standard. 5.9 The payment will be calculated annually and paid fortnightly. 5.10 There are 2 levels of payment of the allowance: Level 1 - Qualification / Standard \$1141 (a) National Accredited Authority for Translators and Interpreters (NAATI) Language Aide Test; or (b) Recognised level of competency to deliver client services in languages for which NAATI does not test Level 2 Qualification / Standard \$2282 (a) NAATI Para-professional interpreter and higher; or (b) Recognised tertiary qualification in interpreting; or (c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATS) languages; or Level 2 - Qualification / Standard (a) NAATI Para-professional interpreter and higher; or (b) Recognised tertiary qualification in interpreting; or (c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATS) languages; or (d) Recognised Auslan qualification.	Note, allowances increases in line with WD increases
46	Community Language Allowance	The CLA will be a minimum pay rate of \$26.53 per week.	Part A Common Condition	No	Reduction	(a) there is an identifiable and continuing operational need for the Employee's language skills (including Aboriginal and Torres Strait Islander languages and Auslan); and (b) the Employee's language competence meets a recognised standard. 5.9 The payment will be calculated annually and paid fortnightly. 5.10 There are 2 levels of payment of the allowance: Level 1 - Qualification / Standard \$1141 (a) National Accredited Authority for Translators and Interpreters (NAATI) Language Aide Test; or (b) Recognised level of competency to deliver client services in languages for which NAATI does not test Level 2 Qualification / Standard \$2282 (a) NAATI Para-professional interpreter and higher; or (b) Recognised tertiary qualification in interpreting; or (c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATS) languages; or Level 2 - Qualification / Standard (a) NAATI Para-professional interpreter and higher; or (b) Recognised tertiary qualification in interpreting; or (c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATS) languages; or (d) Recognised Auslan qualification.	
47	Community Language Allowance	Where an agency requires an employee to utilise indigenous languages, the common term on CLA will apply. An allowance will be paid at the CLA Level 1 rate, and agencies will have the discretion to increase the classification level based on the degree of utilisation for specific roles.	Part A Common Condition	No	Reduction	(a) NAATI Para-professional interpreter and higher; or (b) Recognised tertiary qualification in interpreting; or (c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATS) languages; or (d) Recognised Auslan qualification.	

AG501682 PR704687



WORKPLACE DETERMINATION

Fair Work Act 2009

s.266—Industrial action related workplace determination

Commonwealth of Australia as represented by the Department of Home Affairs

v

CPSU, the Community and Public Sector Union

(B2016/1232)

DEPARTMENT OF HOME AFFAIRS WORKPLACE DETERMINATION 2019

[AG501682]

Commonwealth Employment

VICE PRESIDENT CATANZARITI

DEPUTY PRESIDENT KOVACIC

COMMISSIONER JOHNS

SYDNEY, 8 FEBRUARY 2019

Workplace determination.

A. Further to the decision [2019] FWCFB 143 issued on 11 January 2019, the following Workplace Determination is made.



VICE PRESIDENT

Printed by authority of the Commonwealth Government Printer

Part 1. Technical matters	8
Parties covered	8
Commencement and nominal expiry date	8
Delegations	8
Interaction with policies	8
Introduction of new policies and changes to existing policies	8
Interaction with industrial instruments and the NES	8
Part 2. Remuneration	10
Salary	10
Payment	10
Salary on engagement, movement or promotion	10
Salary advancement	11
Salary on reduction	11
Supported salary rates	11
Superannuation	12
Recovery of overpayments	12
Salary packaging	13
Individual flexibility arrangements	13
Death of an employee	14
Part 3. Working hours and arrangements	15
Types of employment	15
Full-time employees	15
Part-time employees	15
Casual employees	15
Hours of duty	15
Part-time employees and leave balances	16
Unauthorised absence	16
Flexible working arrangements	16
Flex-time	16
Flex-time bandwidth	17
Settlement period	17
Maximum credit	17
Maximum debit	17
Flex-time at cessation of employment	17
Withdrawal of flex-time	17
Time off for Executive Level Employees	18
Requests for flexible working arrangements under the Fair Work Act	18
Home-based work	18
Public holidays and additional holidays	18
Additional holiday	19
Payment for public holidays	19
Local arrangements	20

Reasonable additional hours and overtime	20
Entitlement to payment for overtime	20
Overtime payment rate	21
Minimum payment for non-continuous overtime	22
Emergency duty	22
Overtime meal allowance	22
Rest relief	22
Shift work arrangements	23
Penalty rates	23
Shift hours	24
Consultation and notice	24
Application of notice for code of conduct or disciplinary matters	24
Exchange of shifts	24
Part 4. Leave	25
General provisions	25
Approval and notice requirements	25
Leave and service	25
Paid leave at base rate of pay	25
Interaction between leave types	25
Leave and workers' compensation	25
Annual Leave	26
Cancellation of leave or recall to duty from annual leave	26
Shift workers additional annual leave	26
Additional payments	26
Cashing out annual leave	26
Excess annual leave credit	27
Payment of accrued annual leave on cessation	27
Ceremonial leave	27
Jury service leave	27
Emergency service volunteer leave	27
Compassionate/bereavement leave	28
Defence Reserve leave	28
Entitlement	28
Other matters	28
Long service leave	29
Miscellaneous leave	29
NAIDOC leave	29
Adoption/foster leave	29
Paid entitlement	30
Unpaid entitlement	30
Maternity leave	30
Maternity Leave Act entitlement	30

Additional Determination entitlement	30
Supporting Partner leave	31
Paid entitlement	31
Unpaid entitlement	31
Personal leave	32
Crediting and accrual of personal leave	32
Taking of personal leave	32
Notification	32
Documentary evidence	32
Invalidity	33
Infectious disease contacts	33
Unpaid personal leave	33
Leave to deal with Family and Domestic Violence	33
Definitions	33
Entitlement to unpaid leave	34
Taking unpaid leave	34
Service and continuity	34
Notice and evidence requirements	34
Confidentiality	35
Compliance	35
Portability of accrued leave	35
Purchased leave	36
Purchased leave (44/52)	36
Sabbatical leave	36
Study leave and financial assistance	36
War service sick leave	37
Christmas/New Year period	37
Part 5. Allowances	38
Allowances and paid leave	38
Allowances as salary for the purposes of other entitlements	38
CATO and CFI allowance	40
Cold work allowance	41
Community language allowance	41
Confined space allowance	42
Container examination facility composite allowance	42
Departmental liaison officer allowance	42
Dirty or offensive work disability allowance	43
Escort duty allowance	43
Higher duties allowance	43
Operational safety trainer (OST) and operational capability trainer (OCT) allowance	44
Professional membership and accreditation expenses	44

Restriction allowance	44
School holiday assistance	45
Self-contained breathing apparatus allowance	45
Uniform allowance	45
Use of force allowance	46
Work location allowance	46
Workplace responsibility allowance	48
Other payments	49
Part 6. Performance management	50
Performance Management Framework	50
Performance Improvement Process	50
Part 7. Consultation	53
Consultation term	53
Major change	53
Change to regular roster or ordinary hours of work	54
National Staff Consultative Forum	55
Part 8. Redeployment and redundancy	56
Eligibility	56
Consultation process	56
Redeployment	56
Voluntary redundancy	56
Financial advice	57
Period of notice of termination	57
Redundancy pay	57
Service for redundancy pay purposes	58
Salary for redundancy pay purposes	59
Retention periods	59
Part 9. Travel and location based conditions and allowances	62
Travel during working hours	62
Remote localities	62
Determination of localities	62
District allowance	63
Additional leave	63
Remote locality leave fares	63
Transitional arrangements	64
Domestic travel arrangements	64
Domestic travel expenses	64
Part day travel allowance	64
Camping allowance	65

Marine accommodation allowance	65
Motor vehicle allowance	65
Rest periods	65
Domestic relocation expenses	65
Temporary relocations	66
Overseas conditions of service	66
Part 10. Conditions specific to marine employees	67
Application	67
Definitions	67
Working patterns	67
Hours of duty	68
Notice periods	69
Rest periods	69
Tactical response, Emergency response or Strategic response	69
Planned leave	70
Weekend work	70
Additional annual leave for Sunday duty	70
Extra duty reconciliation payment	71
Time off in lieu	71
Overtime on rostered days off outside Marine Unit operations	71
Domiciling	71
Sea-going commuted allowance	72
Rate of sea-going commuted allowance payable	72
Pro rata payments	73
Temporary sea-going marine employees	73
Marine training	74
Management-initiated training	74
Employee-initiated training	74
Marine Unit Engineer and Deck Officer Cadet Program	75
Marine accommodation allowance	75
Operational safety trainer allowance	76
Southern Ocean operations allowance	76
Part 11. Conditions specific to designated National Surveillance Unit Employees	77
Application	77
Flexible working pattern	77
Composite surveillance allowance	77
On call allowance	78
Additional annual leave for Sunday duty	78

Part 12. Dispute resolution	79
Status quo	80
Other matters	80
Attachment A – Definitions	81
Attachment B – Classification level and salary range	84
General salary table	84
Legal Officers	85
Public Affairs Officers	86
Medical Officers	87
Training Classifications	88

Part 1. Technical matters

1.1 This Determination will be known as the *Department of Home Affairs Workplace Determination 2019*.

Parties covered

1.2 This Determination covers:

- (a) the Secretary of the Department of Home Affairs (the Department) on behalf of the Commonwealth,
- (b) all Employees of the Department, with the exception of any Senior Executive Service (SES) Employee,
- (c) the Community and Public Sector Union (CPSU), and
- (d) the Australian Institute of Marine and Power Engineers (AIMPE).

Commencement and nominal expiry date

1.3 This Determination commences from the day on which it is made by the Fair Work Commission. The nominal expiry date of this Determination is 2 years after the date of commencement.

Delegations

1.4 The Secretary may delegate any or all of their powers and functions under this Determination, including this power of delegation, and may do so subject to conditions.

Interaction with policies

1.5 The operation of this Determination is supported by policies, procedures and guidelines. If there is any inconsistency between the policies, procedures and guidelines and the terms of this Determination, the express terms of this Determination will prevail.

1.6 Policies, procedures, and guidelines which support this Determination are not incorporated into, and do not form part of, this Determination.

Introduction of new policies and changes to existing policies

1.7 Where the Secretary proposes to introduce a new policy, procedure or guideline or vary an existing policy, procedure or guideline they will provide Employees no less than 2 weeks to comment on the proposed new or varied policy, procedure or guideline. The Secretary must give genuine consideration to the comments made by Employees prior to finalising the policy, procedure or guideline.

Interaction with industrial instruments and the NES

1.8 This is a comprehensive Determination that wholly replaces all awards and enterprise agreements that would otherwise apply.

- 1.9 The terms of this Determination are intended to apply in a manner that does not derogate from the NES. The NES will continue to apply to the extent that any term of this Determination is detrimental to an Employee or the Secretary in any respect when compared with the NES.

Part 2. Remuneration

Salary

- 2.1 The salary rates for all classifications are set out at Attachment B of this Determination.
- 2.2 Employees will receive salary increases of:
- (a) 4 per cent with effect from 8 June 2018; and
 - (b) 3 per cent 12 months after commencement of the Determination.
- 2.3 Where application of the increases at clause 2.2 would result in the Employee's rate of salary exceeding the maximum salary applying to the Employee's classification, the Employee's salary will be adjusted up to the maximum of the salary range, but no higher.
- 2.4 For Legal and Public Affairs Officers, where an Employee's current salary aligns with one of the salary points set out at Attachment B of this Determination for their classification they will translate to that pay point in the relevant APS broadband classification. However, where the Employee's current salary does not align with any of the salary points set out at Attachment B of this Determination for their classification they will translate at the salary point immediately above their current salary.

Payment

- 2.5 An Employee will be paid fortnightly in arrears by electronic funds transfer into a financial institution account of the Employee's choice.
- 2.6 The fortnightly rate of pay is calculated using the following formula:

Annual rate of pay multiplied by 12 and divided by 313.

Salary on engagement, movement or promotion

- 2.7 Where an Employee is engaged by the Department or moves from another APS agency to the Department they will be paid at:
- (a) the minimum of the salary range of the relevant classification; or
 - (b) a higher salary, where determined by the Secretary.
- 2.8 On promotion, an Employee's salary will normally be payable at the minimum of the salary range attached to the higher classification. Where the Employee's salary prior to promotion was within 4 per cent of the minimum of the new classification the Employee's salary on promotion will be increased by a minimum of 4 per cent.
- 2.9 Employees who are promoted within the Department and, in the preceding 12 months, have undertaken higher duties at the level to which they are promoted will, upon promotion, be paid a salary equivalent to the salary they were being paid on higher duties.

Salary advancement

- 2.10** Employees will be eligible for annual salary advancement, within the pay range applicable to their substantive classification, if the Employee:
- (a) has performed duties in the Department at or above their substantive classification for a total of at least 6 months in the previous 12 months; and
 - (b) in respect of that performance has received a rating of ‘met expectations’ or above through participation in the Department’s performance assessment process; and
 - (c) is not a Casual employee or employed in a training classification.
- 2.11** For all Employees other than Legal Officers, Public Affairs Officers and Medical Officers, advancement under clause 2.10 will be by an amount equal to 3 per cent of the Employee’s substantive base salary. Where advancement under this clause would result in the Employee’s base salary exceeding the maximum salary applying to the Employee’s current substantive classification level as set out in the General salary table in Attachment B, the Employee’s salary will be adjusted up to the maximum of the salary range, but no higher.
- 2.12** For Legal Officers, Public Affairs Officers and Medical Officers, salary advancement under clause 2.10 will be to the next salary point within the relevant APS broadband classification set out in the applicable table in Attachment B.
- 2.13** Eligible Employees will receive their annual salary advancement on the first pay cycle after 1 October each year provided that no less than 12 months has elapsed since the last performance based salary advancement under this or a previous instrument.
- 2.14** In recognition of the change made in this Determination to the date on which eligible Employees will receive their annual salary advancement from 1 July to 1 October under the terms of this Determination, those Employees who are eligible for salary advancement on 1 October 2019 will receive a one-off taxable payment of \$600.

Salary on reduction

- 2.15** Where an Employee agrees in writing to be reduced in classification, the Secretary will determine a salary for the Employee at a rate applicable to the lower classification level.
- 2.16** Where in accordance with section 23(4) of the *Public Service Act 1999* an Employee is reduced in classification without their consent, the Secretary will determine a salary for the Employee at a rate applicable to the lower classification level.

Supported salary rates

- 2.17** Supported wage rates as set out in Schedule C of the *Australian Public Service Enterprise Award 2015* (as amended from time to time) will apply to an Employee with a disability who is eligible for consideration under the Supported Wage System.

Superannuation

- 2.18** The Secretary will make compulsory employer contributions as required by the applicable legislation and fund requirements.
- 2.19** Where employer contributions are to the default accumulation superannuation fund (PSSap), the employer contribution will be 15.4 per cent of the fortnightly contribution salary (or ordinary time earnings where an Employee has exercised fund choice). Employer contributions for Employees in other accumulation schemes will be at the same rate as the default fund. This will not be reduced by any other contributions made through salary sacrifice arrangements. This clause does not apply where a superannuation fund cannot accept employer superannuation contributions.
- 2.20** Employer superannuation contributions will not be paid on behalf of Employees during a period of unpaid leave that does not count for service with the exception of maternity, adoption/foster or supporting partner leave for a period equal to a maximum of 52 weeks, unless prescribed by legislation.
- 2.21** The Secretary may choose to limit superannuation choice to complying superannuation funds which allow employee and/or employer contributions to be paid through fortnightly electronic funds transfer using a file generated by the Department's payroll system.

Recovery of overpayments

- 2.22** An overpayment occurs if the Secretary (or the Department) provides an Employee with an amount of money to which the Employee was not entitled (including but not limited to salary, entitlements, allowances, travel payment and/or other amount payable under this Determination).
- 2.23** Where the Secretary considers that an overpayment has occurred, the Secretary will provide the Employee with notice in writing. The notice will provide details of the overpayment.
- 2.24** Where an Employee seeks to dispute the amount of the overpayment, they will advise the Secretary in writing within 28 calendar days of receiving the notice. In this event, no further action will be taken until the Employee's response has been reviewed.
- 2.25** If verified, the overpayment will be treated as a debt to the Commonwealth that must be repaid to the Department in full by the Employee.
- 2.26** The Secretary and the Employee will discuss a suitable recovery arrangement. A recovery arrangement will take into account the nature and amount of the debt, the Employee's financial circumstances and any potential hardship to the Employee.
- 2.27** Any overpayment outstanding on cessation of employment with the Department will be deducted to the maximum extent possible from the Employee's final pay (including from outstanding entitlements paid at cessation).
- 2.28** Nothing in the preceding clauses prevents:

- (a) the Department from pursuing recovery of the debt in accordance with an Accountable Authority Instruction issued under the *Public Governance, Performance and Accountability Act 2013*;
- (b) the Department from pursuing recovery of the debt through other available legal avenues; or
- (c) the Employee or the Department from seeking approval to waive the debt under the *Public Governance, Performance and Accountability Act 2013*.

Salary packaging

2.29 The Secretary will provide Employees with the option to salary package certain benefits.

Individual flexibility arrangements

2.30 The Secretary and an Employee covered by this Determination may agree to make an individual flexibility arrangement to vary the effect of terms of the Determination if:

- (a) the arrangement deals with one or more of the following matters:
 - (i) arrangements about when work is performed,
 - (ii) overtime rates,
 - (iii) penalty rates,
 - (iv) allowances,
 - (v) leave loading; and
- (b) the arrangement meets the genuine needs of the Department and Employee in relation to one or more of the matters mentioned in paragraph (a); and
- (c) the arrangement is genuinely agreed to by the Secretary and Employee.

2.31 The Secretary must ensure that the terms of the individual flexibility arrangement:

- (a) are about permitted matters under section 172 of the *Fair Work Act 2009*;
- (b) are not unlawful terms under section 194 of the *Fair Work Act 2009*; and
- (c) result in the Employee being better off overall than the Employee would be if no arrangement was made.

2.32 The Secretary must ensure that the individual flexibility arrangement:

- (a) is in writing;
- (b) includes the name of the Secretary and Employee;
- (c) is signed by the Secretary and Employee and if the Employee is under 18 years of age, signed by a parent or guardian of the Employee; and

- (d) includes details of:
 - (i) the terms of the Determination that will be varied by the arrangement,
 - (ii) how the arrangement will vary the effect of the terms,
 - (iii) how the Employee will be better off overall in relation to the terms and conditions of his or her employment as a result of the arrangement; and
- (e) states the day on which the arrangement commences.

2.33 The Secretary must give the Employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.

2.34 The Secretary or Employee may terminate the individual flexibility arrangement:

- (a) by giving no more than 28 days written notice to the other party to the arrangement; or
- (b) if the Secretary and Employee agree in writing – at any time.

Death of an employee

2.35 Where an Employee dies, or the Secretary has directed that an Employee will be presumed to have died on a particular date, any outstanding amounts, and any amounts that would have been payable to the Employee under this Determination had the employee otherwise ceased employment, will be made to the Dependants, Partner or the legal personal representative of the Employee.

Part 3. Working hours and arrangements

Types of employment

Full-time employees

- 3.1 For Full-time employees, a standard working week is 37 hours and 30 minutes. The standard working day is 7 hours and 30 minutes.

Part-time employees

- 3.2 Part-time employees work an agreed number of hours that is less than the standard weekly hours.
- 3.3 Salary for Part-time employees will be calculated on a pro-rata basis according to the proportion of standard weekly hours worked.
- 3.4 Leave, allowances and other entitlements under this Determination will apply to a Part-time employee on a pro-rata basis according to the proportion of standard weekly hours worked.
- 3.5 Part-time employees are entitled to Expense-related allowances as specified in this Determination.
- 3.6 Where a Full-time employee is permitted to work part-time for personal reasons that Employee will have a right to revert to their full-time employment at the level that the Employee occupied prior to entering into the part-time work arrangement after the Employee notifies the Secretary of their intention to return to full-time work.

Casual employees

- 3.7 Casual employees are not entitled to paid leave entitlements (other than long service leave), notice of termination of employment, redundancy benefits and payment for public holidays not worked. Casual employees will receive a loading of 20 per cent of base salary in lieu of these entitlements.
- 3.8 Casual employees will accrue long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

Hours of duty

- 3.9 The standard hours of duty are:
- (a) 08:30 hrs to 12:30 hrs and 13:30 hrs to 17:00 hrs, Monday to Friday, or
 - (b) 08:00 hrs to 12:00 hrs and 13:00 hrs to 16:30 hrs, Monday to Friday in the Northern Territory.
- 3.10 The Secretary may determine alternative standard hours of duty for an Employee or group of Employees to meet the operational requirements of the Department. Where the Secretary is proposing to determine alternative standard hours of duty for an Employee or group of Employees the Secretary will consult with relevant Employees and their representatives, if any, in accordance with Part 7 of this Determination.

- 3.11 Employees may be required to work reasonable additional hours (including overtime).
- 3.12 Employees will record their times of attendance in a manner determined by the Secretary.
- 3.13 Employees will not be required to work more than 5 consecutive hours without an unpaid meal break of at least 30 minutes, unless in exceptional circumstances.

Part-time employees and leave balances

- 3.14 For a two month period from the commencement of this Determination, Employees who immediately prior to the commencement of this Determination worked a part time arrangement based on a standard working week of 36 hours and 45 minutes will have an opportunity to elect in writing to increase their working hours by at least 2.04 per cent. Where such an election is made, all accrued leave balances (other than long service leave) will be grossed up by 2.04 per cent.

Unauthorised absence

- 3.15 Where an Employee is absent from the workplace without the approval of the Secretary, all pay and entitlements provided for under this Determination cease to apply until the Employee resumes duty or is granted leave.

Flexible working arrangements

Flex-time

- 3.16 Flex-time is a system of flexible working hours which enables Employees and the Secretary to vary working hours, patterns and arrangements to provide maximum organisational flexibility that benefits Employees and the Department.
- 3.17 Unless otherwise determined by the Secretary, flex-time is available to all APS Level 1-6 Employees, other than Casual employees, those working shift work, those employed at overseas posts or those required to work standard hours.
- 3.18 Flex-time arrangements are subject to approval by the Secretary. Approval is conditional on operational requirements being met and an efficient service continuing to be provided to the public. Where the Secretary is proposing to withdraw approval for flex-time arrangements for operational reasons (including service delivery) for a work area or group of Employees, the Secretary will consult with relevant Employees and their representatives, if any, in accordance with Part 7 of this Determination.
- 3.19 Employees may use flex-time to vary their standard hours of duty on an irregular basis or for absences in lieu of other leave types.
- 3.20 Where there is insufficient work, the Secretary may require an Employee to work their standard hours.

Flex-time bandwidth

- 3.21 Flex-time is worked within a bandwidth of 07:00 hrs to 19:00 hrs, Monday to Friday except for in the Northern Territory where flex-time is worked within the bandwidth of 06:30 hrs to 18:30 hrs, Monday to Friday.

Settlement period

- 3.22 The ordinary working days over which calculations are made to determine flex credit or flex debit (the 'settlement period') will be 4 weeks.

Maximum credit

- 3.23 At the end of a settlement period, the maximum flex credit carried over is the equivalent of the standard weekly working hours for the Employee, or the average weekly hours for Part-time employees.
- 3.24 If there are operational pressures, the Secretary may approve a higher flex credit carry over on a temporary basis.

Maximum debit

- 3.25 At the end of a settlement period, the maximum flex debit is 10 hours, or 5 hours where an Employee works less than 25 hours per week.
- 3.26 Where an Employee has a flex debit that exceeds the maximum allowable at clause 3.25 the excess must be reduced by the end of the next settlement period unless otherwise agreed between the Secretary and the Employee.

Flex-time at cessation of employment

- 3.27 Prior to cessation of employment with the Department, Employees must take all reasonable steps to balance their flex credits or debits. The Secretary should provide opportunities to enable Employees to balance any flex debits or credits.
- 3.28 Where the Secretary agrees that it was not possible to balance flex credits due to operational requirements, the Employee's flex credit, up to the maximum flex credit carry over for a settlement period, will be paid out on separation from the Department.
- 3.29 Where an Employee ceases employment with the Department with a flex debit, they may choose to acquit the debit with annual leave credits. Otherwise, the Secretary is authorised to recover debits from the Employee's salary or final pay.

Withdrawal of flex-time

- 3.30 The Secretary may require an Employee to work standard hours for a period where the Secretary has concerns that the Employee is misusing flex-time.

Time off for Executive Level Employees

- 3.31 The Secretary may grant Executive Level Employees time off in recognition of additional hours worked. Time off is not expected to recompense for additional hours on a one-for-one basis and cannot be cashed out.
- 3.32 The Secretary may grant Executive Level Employees time off to allow for variations in attendance times and short term absences.

Requests for flexible working arrangements under the Fair Work Act

- 3.33 An Employee may request a change in working arrangements in accordance with Division 4, Part 2-2 of the *Fair Work Act 2009*. Where an employee makes such a request, the Secretary may refuse the request only on reasonable business grounds and will provide the Employee with a written response within 21 days stating whether the request has been granted or refused.

Home-based work

- 3.34 The Secretary may approve home-based work and teleworking arrangements, subject to meeting security, work health and safety and operational requirements. The agreed arrangements can only be varied by mutual consent and may be terminated by either party with a minimum notice period of four weeks (or shorter if agreed).

Public holidays and additional holidays

- 3.35 Employees are entitled to the following holidays each year as observed at their normal work Location:
- (a) 1 January (New Year's Day)
 - (b) 26 January (Australia Day)
 - (c) Good Friday and the following Monday
 - (d) 25 April (Anzac Day)
 - (e) the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State and Territory)
 - (f) 25 December (Christmas Day)
 - (g) 26 December (Boxing Day)
 - (h) any other day, or part day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part day, or a kind of day or part day, that is excluded by the *Fair Work Regulations 2009* from counting as a public holiday.
- 3.36 If a public holiday falls on a Saturday or Sunday, and if under a State or Territory law, a day or part day is substituted for one of the public holidays listed above, then the substituted day or part day is the public holiday.

Additional holiday

- 3.37 Employees are entitled to an additional holiday each year in accordance with the following table:

Christmas Day	Additional holiday
Sunday	Wednesday, 28 December
Monday	Wednesday, 27 December
Tuesday	Thursday, 27 December
Wednesday	Friday, 27 December
Thursday	Monday, 29 December
Friday	Tuesday, 29 December
Saturday	Wednesday, 29 December

- 3.38 Entitlements for Employees for this additional holiday will be those that apply as if that day was a public holiday.

Payment for public holidays

- 3.39 When observing a public holiday, Employees will be paid salary as if that day were not a public holiday.
- 3.40 Employees who perform work on the Saturday following Good Friday will be paid as if it were a public holiday.
- 3.41 Casual employees are not entitled to receive payment for public holidays on which they do not work.
- 3.42 If under a law of a State or Territory every Sunday is declared or prescribed by or under that law to be a public holiday, there is no entitlement to receive payment as a public holiday if the Employee would have worked, or does perform work, on that day. In these circumstances, payment will only be made at the public holiday rate of pay if the Employee performs work on that day and the Sunday would otherwise be a public holiday under clause 3.35.
- 3.43 If a shift worker is required to perform rostered duty on each of the days of the week, the Employee will, in respect of a public holiday which occurs on a day on which the Employee is rostered off duty, be granted a day of leave in lieu of that holiday, if practicable, within one month after the holiday. If a day of leave in lieu is not practicable, one day of pay at ordinary rates will be paid. One day of pay in this case means the payment the Employee would have received for the public holiday if they were not a shift worker.

Local arrangements

- 3.44** The Secretary and an Employee may agree on the substitution of a day or part day that would otherwise be a public holiday, including for a cultural or religious day of significance to the Employee, subject to operational requirements.

Reasonable additional hours and overtime

- 3.45** The Secretary may direct an Employee to work reasonable additional hours to meet operational requirements. An Employee may refuse to work additional hours only if those additional hours are unreasonable. Section 62(3) of the *Fair Work Act 2009* sets out the factors which must be taken into account in determining whether additional hours are reasonable or unreasonable.

- 3.46** Overtime is worked only with the prior approval of the Secretary.

Entitlement to payment for overtime

- 3.47** Employees in APS Level 1-6 and training classifications will be entitled to payment for overtime as follows:

Category of Employee	When entitled to payment for overtime
Full-time employees whether working flex-time arrangements or standard hours (other than Casual employees)	for work approved by the Secretary to be performed: <ul style="list-style-type: none"> (a) in excess of 7 hours and 30 minutes worked on any day between Monday to Friday inclusive; or (b) outside 07:00 hrs to 19:00 hrs, Monday to Friday inclusive (or 06:30 hrs to 18:30 hrs for Employees based in the Northern Territory); or (c) on a public holiday.
Part-time employees (other than Casual employees)	for work approved by the Secretary to be performed: <ul style="list-style-type: none"> (a) beyond the Employee's agreed regular hours for a day; or (b) outside 07:00 hrs to 19:00 hrs, Monday to Friday inclusive (or 06:30 hrs to 18:30 hrs for Employees based in the Northern Territory); or (c) on a public holiday.
Employees on shift arrangements (other than Casual employees)	for work approved by the Secretary to be performed: <ul style="list-style-type: none"> (a) on any day outside the normal rostered ordinary hours of work on that day; or (b) in excess of the weekly hours of ordinary duty, or an average of the standard weekly hours of duty over a cycle of shifts.

Category of Employee	When entitled to payment for overtime
Casual employees	<p>for work approved by the Secretary to be performed in excess of 37.5 hours in a week.*</p> <p>*Casual loading is not paid for overtime.</p>

Overtime payment rate

3.48 Employees receive overtime at the following rates:

Day	Overtime Payment Rate
Monday to Saturday	<p>150 per cent (time and one half) for the first 3 hours</p> <p>200 per cent (double time) for hours greater than 3 hours</p> <p>For shift workers performing overtime duty on a Saturday, the rate of payment is 200 per cent (double time) from the commencement of overtime</p>
Sunday	200 per cent (double time)
Public holidays	<p>250 per cent (double time and one half)*</p> <p>* Double time and one half on public holidays comprises the single time payment payable whether or not the Employee works overtime, plus an additional time and one half payment.</p>

- 3.49 For the purpose of calculating overtime, salary will include any applicable higher duties allowance and no other allowances.
- 3.50 Subject to operational requirements, where requested by an Employee, time off in lieu of payment for overtime may be granted at the applicable overtime rate. Where an Employee is unable to take time off in lieu of payment for overtime within a period of three months of the overtime having been worked, the Employee may request to be paid for the overtime. Where this occurs, the payment will be made in the next pay period at the rate the Employee would have been paid when the overtime was worked.
- 3.51 Any accrued but not taken time off in lieu of payment for overtime will be paid out on termination at the rate the Employee would have been paid when the overtime was worked.

Minimum payment for non-continuous overtime

- 3.52** Where an Employee is required to separately attend work for the purposes of undertaking overtime (that is where the overtime is not contiguous with ordinary duty, including any meal period immediately following ordinary duty), the Employee will receive a minimum payment of 3 hours overtime.
- 3.53** Where more than one attendance for the purposes of undertaking overtime is involved, then for the purposes of calculating the minimum payment, Employees will receive the lesser of:
- (a) the minimum payment of 3 hours overtime for each attendance; or
 - (b) payment as if overtime was contiguous from the commencement of the first attendance to the cessation of the last attendance.

Emergency duty

- 3.54** Where an Employee at the APS Level 1-6 or a training classification is directed to return to duty to meet a work-related emergency as determined by the Secretary, the Employee will be paid at 200 per cent (double time). The minimum payment will be for a period of 3 hours.

Overtime meal allowance

- 3.55** A meal allowance (as set by the applicable Taxation Determination) will be paid to an APS Level 1-6 Employee who:
- (a) works approved overtime whether on a weekday, weekend or public holiday; and
 - (b) works over an entire meal allowance period; and
 - (c) either does not break for a meal or takes an unpaid meal break.
- 3.56** A meal allowance period means the following periods:
- (a) 06:30 hrs to 07:00 hrs
 - (b) 12:00 hrs to 14:00 hrs
 - (c) 19:00 hrs to 19:30 hrs
 - (d) midnight to 01:00 hrs.
- 3.57** Subject to approval by the Secretary, an overtime meal allowance under this clause will be paid to an Executive Level Employee who is directed to perform additional hours to supervise one or more APS Level 1-6 Employees who are eligible for the payment of an overtime meal allowance.

Rest relief

- 3.58** Employees should be provided a break of at least 8 consecutive hours off duty, plus reasonable travelling time, between 2 periods of ordinary duty.

- 3.59** The Secretary may direct an Employee to resume or continue work without having had 8 consecutive hours off duty plus reasonable travelling time. If this occurs, Employees will be paid at 200 per cent (double time) for time worked until the required rest relief period commences.
- 3.60** Employees, who work overtime on a Saturday, Sunday or a public holiday which is not an ordinary working day, or a rostered day off, will be entitled to a break of at least 8 consecutive hours off duty plus reasonable travelling time in the 24 hours preceding the commencement of ordinary duty.
- 3.61** Rest relief is not applicable in circumstances where an Employee is required to work overtime immediately before commencing ordinary duty.
- 3.62** These provisions do not apply to non-continuous overtime or a return to work for emergency duty, unless the actual time worked, excluding travelling time, is at least 3 hours on each call.

Shift work arrangements

- 3.63** For the purposes of this Determination, 'shift work' means ordinary hours of work rostered for duty within a roster or cycle of shifts that do not exceed an average of the ordinary weekly hours applicable to Employees working that roster.

Penalty rates

- 3.64** Employees who are required to perform shift work will be entitled to shift penalty payments, as follows:

Shift	Penalty rate (Ordinary duty)
Monday to Friday	15 per cent where any part of the rostered shift falls between 18:00 hrs and 06:30 hrs 30 per cent where rostered on shifts worked continuously for more than 4 weeks that fall wholly within the hours of 18:00 hrs and 08:00 hrs
Saturday	50 per cent
Sunday	100 per cent
Public Holiday	150 per cent

- 3.65** Shift penalty payments will not be taken into account in the calculation of any allowance based upon salary, nor paid with respect to any shift for which any other form of penalty payment is made.

Shift hours

- 3.66** Except at the regular change-over of shifts, an Employee will not be required to work more than one shift in each 24 hours.

Consultation and notice

- 3.67** The Secretary will determine the circumstances in which an Employee or group of Employees will be required to perform shift work in order to meet the requirements of the Department.
- 3.68** The days and times of work to be performed by shift workers will be determined by the Secretary after consultation with relevant Employees and their representatives, if any, in accordance with Part 7 of this Determination.
- 3.69** After undertaking consultation in accordance with Part 7 of this Determination, notice of at least 7 days prior to the date of effect of the change will be provided to affected Employees. A shorter notice period may be agreed between the Secretary and an Employee.
- 3.70** Should 7 days' notice (or shorter agreed period) not be given, Employees will be entitled to payment at the relevant overtime rate for the part of the shift that is outside the previous rostered hours of duty, until the notice period has expired. Employees who receive this penalty will not be entitled to any other penalty payment for that period of duty.

Application of notice for code of conduct or disciplinary matters

- 3.71** Clauses 3.68 to 3.70 do not apply where the Secretary determines that a code of conduct or disciplinary matter requires a change of attendance pattern, including removal from shift.

Exchange of shifts

- 3.72** Employees will be able to exchange shifts or rostered days off by mutual arrangement and with the consent of the Secretary, provided the arrangement does not give the Employee an entitlement to an overtime payment and maintains the required rest relief periods.

Part 4. Leave

General provisions

Approval and notice requirements

4.1 The taking of leave under this Part is subject to approval by the Secretary.

Leave and service

4.2 Subject to a contrary intention, and unless otherwise provided in legislation, in this Part:

- (a) paid leave provided for under this Determination will count as service for all purposes; and
- (b) unpaid leave provided for under this Determination or any other unpaid absence will not count as service for any purpose.

Paid leave at base rate of pay

4.3 Unless otherwise specified in this Determination, all paid leave entitlements are paid at the Employee's base rate of pay, exclusive of all penalties and allowances.

Interaction between leave types

4.4 Where an Employee who is on annual leave becomes eligible for a grant of personal leave, emergency service volunteer leave, jury service leave or compassionate/bereavement leave, annual leave will at the request of the Employee be re-credited to the extent of the period of other leave granted on presentation of evidence that would satisfy a reasonable person of the purpose for which the alternate leave was taken. Long service leave will be re-credited in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

4.5 Instances of maternity leave, adoption/foster leave and supporting partner leave must be taken in a single continuous period, unless application is made to return to duty in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*. Periods of paid leave of these kinds are subsumed into any entitlements to unpaid leave periods.

4.6 An Employee is not entitled to take paid personal or compassionate/bereavement leave while taking paid maternity leave or paid or unpaid adoption/foster or supporting partner leave.

Leave and workers' compensation

4.7 An Employee receiving worker's compensation for more than 45 weeks will accrue annual and personal leave on a pro-rata basis in accordance with the hours actually worked.

Annual Leave

4.8 Employees accrue 4 weeks paid annual leave for each completed year of service, accruing daily and credited monthly.

4.9 Any unused annual leave accumulates.

Cancellation of leave or recall to duty from annual leave

4.10 Where an Employee's annual leave is cancelled by the Secretary without reasonable notice or an Employee is recalled to duty from annual leave, the Employee will be entitled to be reimbursed reasonable travel costs and incidental expenses not otherwise recoverable from insurance or any other source.

4.11 The Employee will be re-credited the period of unused leave equivalent to the days they have been recalled to duty.

Shift workers additional annual leave

4.12 Continuous shift workers who:

(a) are employed in a part of the Department where shifts are continuously rostered over the 7 days each week, and

(b) are regularly rostered to work those shifts, and

(c) regularly work on Sundays and public holidays

are entitled to an additional week of annual leave.

4.13 Employees who work shifts other than as described in the preceding clause accrue an additional half day of annual leave for every Sunday worked in the previous calendar year, to a maximum accrual of 5 days of annual leave per calendar year.

4.14 Sundays worked include ordinary duty and rostered overtime of at least 3 hours duration.

4.15 Where an Employee works 2 shifts on a Sunday (that is one ending early and one starting late in the day), only one shift counts for the purposes of accruing additional annual leave credits.

Additional payments

4.16 Shift workers will receive a payment of 100 per cent of penalties attracted by their roster pattern (excluding Public Holiday penalties) while on annual leave.

Cashing out annual leave

4.17 An Employee may elect to cash out an amount of accrued annual leave provided that:

(a) the Employee has taken a minimum of 2 weeks of annual leave during the preceding 12 month period, unless otherwise determined by the Secretary;

- (b) the Employee gives written notice of the election to cash out the amount of annual leave;
- (c) the Employee's remaining accrued entitlement to annual leave will not be less than 4 weeks; and
- (d) the Employee must be paid at least the full amount that would have been payable to the Employee had the leave been taken.

Excess annual leave credit

- 4.18** Employees who have an annual leave credit in excess of 2 years accrual may be directed by their Manager to take an amount of annual leave that is up to one quarter of their annual leave credit at the time the direction is given.

Payment of accrued annual leave on cessation

- 4.19** An Employee who ceases to be an APS Employee will be entitled to payment in lieu of any accrued annual leave on separation from the Department.

Ceremonial leave

- 4.20** The Secretary may approve the taking of up to 10 days of unpaid ceremonial leave over a 2 year period to enable an Employee to participate in ceremonial activities (for example, those associated with the death of a member of their family or extended family or obligations under Aboriginal or Torres Strait Islander law).

Jury service leave

- 4.21** Employees who are required by a court to attend for jury selection or to act as a juror will be entitled to paid leave for the period required by the court.
- 4.22** The Employee must advise the Secretary in advance and provide proof of the requirement for their attendance.
- 4.23** If the Employee receives a payment from the court for their attendance (other than expenses reimbursed by the court, such as parking), they must sign over that amount to the Department or repay that amount to the Department. If this does not occur, the Secretary is authorised to deduct an equivalent amount from the Employee's fortnightly pay.

Emergency service volunteer leave

- 4.24** The Secretary will approve paid leave to enable an Employee to participate in an emergency service activity associated with a State Emergency Service, firefighting service, search and rescue unit or other volunteer community service performing similar functions.
- 4.25** The Secretary may grant up to 4 days' paid leave for each emergency service activity. The Secretary may approve additional paid or unpaid leave for an ongoing emergency response activity or other related activities such as regular training, reasonable travel, recovery time and ceremonial duties.

- 4.26 Approval is subject to the provision of satisfactory evidence that the Employee's services were requested by the relevant organisation. Such evidence may be provided before, or as soon as practicable after, the occasion on which participation in the emergency service activity is required.

Compassionate/bereavement leave

- 4.27 Employees are entitled to 2 days of paid compassionate leave for each occasion where a member of the Employee's Family or household contracts an illness or sustains an injury that poses a serious threat to his or her life.
- 4.28 Employees are entitled to 3 days of paid bereavement leave for each occasion where a member of the Employee's Family or household dies.
- 4.29 Casual employees will be entitled to 2 days of unpaid compassionate/bereavement leave in the above circumstances.

Defence Reserve leave

- 4.30 The Secretary will grant Ongoing employees leave to enable them to fulfil related Australian Defence Force (ADF) Reserve and Continuous Full-time Service (CFTS) or Cadet Force obligations in accordance with clauses 4.31 to 4.40.

Entitlement

- 4.31 The Secretary will grant up to 20 days paid defence reserve leave each year for the purpose of fulfilling service in the ADF Reserve, including training and operational duty as required.
- 4.32 The Secretary will grant up to an additional 10 days paid defence reserve leave for an Employee's first year of ADF Reserve service in order to facilitate participation in additional ADF Reserve training, including induction requirements.
- 4.33 The Secretary may grant additional paid or unpaid defence reserve leave, taking into account operational requirements.

Other matters

- 4.34 With the exception of the additional 10 days in the first year of ADF Reserve service, leave can be accumulated and taken over a period of 2 years to enable the Employee to undertake training as a member of the ADF Reserves.
- 4.35 Defence reserve leave is not available to Employees who are undertaking work for the ADF through a Fixed Period of Service agreement (as defined in relevant legislation).
- 4.36 Employees must provide written evidence of the request for their attendance for duty.
- 4.37 Employees accessing paid defence reserve leave will continue to have their salary paid as it would have been paid had leave not been taken, with the exception of shift penalties. Employees will continue to access other components of their remuneration package during periods of defence service.

- 4.38 The Secretary will not require defence reservists to pay their tax free ADF Reserve salary to the Department in any circumstances.
- 4.39 Defence reserve leave will count as service for all purposes, with the exception of unpaid leave to undertake CFTS. Unpaid leave for the purpose of CFTS counts as service for all purposes except annual leave accrual.
- 4.40 Employees are to notify Managers at the earliest opportunity once the dates for ADF Reserve, CFTS or Cadet Force activities are known and/or changed.

Long service leave

- 4.41 Long service leave will accrue and be available to eligible Employees in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
- 4.42 Long service leave may be granted at either full or half pay, subject to operational requirements and the approval of the Secretary. Unless otherwise provided in legislation, periods of long service leave cannot be broken with weekends, public holidays or other periods of leave.
- 4.43 The minimum period for which an Employee may be granted long service leave is 7 consecutive calendar days at full pay or 14 consecutive calendar days at half pay.

Miscellaneous leave

- 4.44 The Secretary may grant Employees miscellaneous leave for a purpose considered to be in the interests of the Commonwealth or where the reason for the leave is not covered by this Determination. The leave granted may be:
- (a) for the period requested or another period;
 - (b) with or without pay;
 - (c) subject to conditions; and
 - (d) if leave is granted without pay – the leave may count for service for some or all purposes.
- 4.45 The Secretary will grant miscellaneous leave with pay in circumstances where an Employee is unable to attend work, or remain at work, due to a decision by the Secretary to close an office or work area in response to an emergency event.

NAIDOC leave

- 4.46 The Secretary will grant Employees one day of paid leave each year to enable their participation in activities related to NAIDOC Week. This leave can be taken as either a full day absence or several short absences to the equivalent of one day across the week.

Adoption/foster leave

- 4.47 An Employee who:

- (a) has completed at least 12 months of continuous service with the APS,
- (b) adopts or fosters a child on permanent placement, and
- (c) is that child's primary caregiver,

is eligible to take adoption/foster leave in accordance with clauses 4.49 to 4.51.

4.48 Applications for adoption/foster leave must be supported by official documentary evidence from the relevant person/organisation with statutory responsibility for the placement of the child. This evidence must include the date of placement of the child with the Employee.

Paid entitlement

4.49 The Secretary will grant up to 14 weeks of paid adoption/foster leave. Entitlement to paid adoption/foster leave will commence on and from the day of placement of the child with the Employee for adoption/fostering and must not commence at any later time.

4.50 The Secretary may approve the payment for adoption/foster leave over a maximum period of 28 weeks, pro-rated over the period (with the exception of Employees on an overseas Posting). If such approval is given, only 14 weeks of the period will count as service.

Unpaid entitlement

4.51 Employees who have at least 12 months continuous service in the APS are entitled to unpaid adoption/foster leave in accordance with Subdivision B of Division 5 of Part 2-2 of the *Fair Work Act 2009*. Employees may also be entitled to 2 days of unpaid pre-adoption leave in accordance with section 85 of the *Fair Work Act 2009*.

Maternity leave

Maternity Leave Act entitlement

4.52 Access to maternity leave will be in accordance with the *Maternity Leave (Commonwealth Employees) Act 1976*.

4.53 Where an Employee is either:

- (a) on unpaid maternity leave and applies for paid leave, or
- (b) on paid maternity leave and applies for paid leave contiguous with that paid leave,

and is eligible for that leave, the Employee will be granted the paid leave.

Additional Determination entitlement

4.54 Employees eligible for paid maternity leave under the *Maternity Leave (Commonwealth Employees) Act 1976* will be granted an additional 2 weeks of paid

leave. This additional leave is to be taken contiguous with paid leave under the *Maternity Leave (Commonwealth Employees) Act 1976*.

- 4.55** The Secretary may approve the payment for the maternity leave and additional maternity leave over a maximum period of 28 weeks, pro-rated over the period. If such approval is given, only 14 weeks of the period will count as service.
- 4.56** On ending the initial 52 weeks of maternity leave, the Secretary may grant a request for an extension of unpaid leave for a further period of up to 52 weeks in accordance with the NES under the *Fair Work Act 2009*.

Supporting Partner leave

- 4.57** An Employee who:
- (a) has completed at least 12 months continuous service with the APS, and
 - (b) is not eligible for maternity leave or adoption/foster leave,
- is eligible to receive supporting partner leave in accordance with clauses 4.59 to 4.61.
- 4.58** Documentary evidence (of a nature equivalent to maternity or adoption/foster leave, whichever is most relevant) must be provided in support of the application for supporting partner leave.

Paid entitlement

- 4.59** The Secretary will grant up to 4 weeks of paid supporting partner leave on the occasion of:
- (a) the birth of their child (or their Partner's child), or
 - (b) Adoption or permanent foster care placement of a child (or their Partner's child).

Entitlement to supporting partner leave will commence on and from that occasion and must not commence at any later time.

- 4.60** The Secretary may approve payment of the 4 weeks of paid supporting partner leave over a maximum period of 8 weeks, pro-rated over the period (with the exception of Employees on an overseas Posting). If such approval is given, only 4 weeks of the period will count as service.

Unpaid entitlement

- 4.61** The Secretary may grant up to 52 weeks of unpaid supporting partner leave (extendable by a further period of up to 52 weeks) in accordance with the NES under the *Fair Work Act 2009*.

Personal leave

Crediting and accrual of personal leave

- 4.62 Employees other than those specified in clause 4.63 accrue 18 working days of paid personal leave for each completed year of service with the Department, accruing daily and credited monthly.
- 4.63 Employees who commence their ongoing APS employment on engagement with the Department will be credited with 18 days of paid personal leave on commencement.
- 4.64 Any unused personal leave accumulates but cannot be cashed out or paid out on cessation of employment with the Department.

Taking of personal leave

- 4.65 Employees may take paid personal leave for full or part day absences.
- 4.66 Employees may take personal leave:
- (a) because the Employee is not fit for work due to a personal illness, or personal injury, affecting the Employee; or
 - (b) to provide care or support to a member of the Employee's Family or household who requires care or support because of:
 - (i) a personal illness, or personal injury, affecting the member, or
 - (ii) for an unexpected emergency affecting the member.

Notification

- 4.67 Employees must notify their Manager of any absence as soon as reasonably practicable (which may be a time after the leave has started). When doing so, the Employee must advise their Manager of the period, or expected period, of their absence.

Documentary evidence

- 4.68 When an Employee is absent on personal leave for a period of 3 or more consecutive days, they must provide satisfactory documentary evidence to establish that the leave was taken for one of the reasons specified in clause 4.66.
- 4.69 Satisfactory documentary evidence is evidence that would satisfy a reasonable person that the leave was taken for a reason specified in clause 4.66. This may comprise of a medical certificate provided by a health practitioner or a statutory declaration.

Invalidity

- 4.70 Unless otherwise provided in legislation or unless the Employee consents, their employment will not be terminated on invalidity grounds until the Employee's personal leave credit has been exhausted.

Infectious disease contacts

- 4.71 The Secretary may grant the use of accrued personal leave if a medical practitioner reports that an Employee has had contact with a person suffering from a notifiable infectious disease and is unable to attend for duty.

Unpaid personal leave

- 4.72 Where an Employee's personal leave accrual is exhausted, the Secretary will grant Employees up to 2 days of unpaid carer's leave for each occasion when:
- (a) a member of their Family or household requires care or support because of a personal illness, or personal injury, affecting the member; or
 - (b) there is an unexpected emergency affecting the member.
- 4.73 Where an Employee's personal leave accrual is exhausted and the Employee is not fit for work due to a personal illness or personal injury affecting the Employee, the Secretary may grant paid or unpaid personal leave. The leave granted may be:
- (a) for the period requested or another period; and
 - (b) subject to conditions.

Leave to deal with Family and Domestic Violence

- 4.74 Clauses 4.77 to 4.84 apply to all Employees, including casuals.

Definitions

- 4.75 For the purposes of clauses 4.77 to 4.84 the following definitions apply:

'Family and domestic violence' means violent, threatening or other abusive behaviour by a Family member of an Employee that seeks to coerce or control the Employee and that causes them harm or to be fearful.

'Family member' means:

- (i) a Partner, De facto partner, child, parent, grandparent, grandchild or sibling of the Employee; or
- (ii) a child, parent, grandparent, grandchild or sibling of a Partner or De facto partner of the Employee; or
- (iii) a person related to the Employee according to Aboriginal or Torres Strait Islander kinship rules.

- 4.76 A reference to a Partner or De facto partner in the definition of Family member in clause 4.74 includes a former Partner or De facto partner.

Entitlement to unpaid leave

- 4.77 An Employee is entitled to 5 days' unpaid leave to deal with Family and domestic violence, as follows:

- (a) the leave is available in full at the start of each 12 month period of the Employee's employment, and
- (b) the leave does not accumulate from year to year, and

is available in full to Part-time and Casual employees.

- Notes:
- 1. A period of leave to deal with Family and domestic violence may be less than a day by agreement between the Employee and the Secretary.
 - 2. The Secretary and Employee may agree that the Employee may take more than 5 days' unpaid leave to deal with Family and domestic violence.

Taking unpaid leave

- 4.78 An Employee may take unpaid leave to deal with Family and domestic violence if the Employee:

- (a) is experiencing Family and domestic violence; and
- (b) needs to do something to deal with the impact of the Family and domestic violence and it is impractical for the Employee to do that thing outside their ordinary hours of work.

Note: The reasons for which an Employee may take leave include making arrangements for their safety or the safety of a Family member (including relocation), attending urgent court hearings or accessing police services.

Service and continuity

- 4.79 The time an Employee is on unpaid leave to deal with Family and domestic violence does not count as service but does not break the Employee's continuity of service.

Notice and evidence requirements

- 4.80 An Employee must give their Manager notice of the taking of leave by the Employee under clause 4.78. The notice:

- (i) must be given to their Manager as soon as practicable (which may be a time after the leave has started); and
- (ii) must advise their Manager of the period, or expected period, of the leave.

- 4.81** An Employee who has given their Manager notice of the taking of leave under clause 4.78 must, if required by the Secretary, provide evidence that would satisfy a reasonable person that the leave is taken for the purpose specified in clause 4.78.

Note: Depending on the circumstances such evidence may include a document issued by the police service, a court or a family violence support service, or a statutory declaration.

Confidentiality

- 4.82** The Secretary must take steps to ensure information concerning any notice an Employee has given, or evidence an Employee has provided under clause 4.81 is treated confidentially, as far as it is reasonably practicable to do so.
- 4.83** Nothing in clause 4.82 prevents the Secretary from disclosing information provided by an Employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the Employee or another person.

Note: Information concerning an Employee's experience of Family and domestic violence is sensitive and if mishandled can have adverse consequences for the Employee. The Secretary should discuss with the Employee the handling of this information.

Compliance

- 4.84** An Employee is not entitled to take leave under clause 4.78 unless the Employee complies with clauses 4.80 and 4.81.

Portability of accrued leave

- 4.85** Where an Employee moves (including on promotion or for an agreed period) from another Agency where they were an Ongoing employee or an ongoing employee of the Parliamentary Service or the ACT Government Service, the Employee's unused accrued annual leave and personal/carer's leave (however described) will be recognised, provided there is no break in continuity of service.
- 4.86** Where the Secretary employs the Employee on an Ongoing basis, and immediately prior to the engagement the person was employed as a Non-ongoing employee, the Secretary may, at the Employee's request, recognise any accrued annual leave and personal/carer's leave (however described), provided there is no break in continuity of service.
- 4.87** Any recognised leave excludes any accrued leave paid out by the former Agency on separation from that Agency.

Purchased leave

Purchased leave (44/52)

- 4.88 The Secretary may approve an application from an Employee to purchase up to 8 weeks of additional leave per year.
- 4.89 If an Employee does not use all or part of the purchased leave within 12 months from application, the Employee will be re-funded the cost of the leave not taken at the rate it was purchased, as a lump sum.

Sabbatical leave

- 4.90 Where an Ongoing employee has completed at least 2 years of continuous employment with the Department, they may apply to the Secretary for access to sabbatical leave.
- 4.91 This is a flexible arrangement consisting of a 4 year continuous work period followed by a one year period of leave, with salary spread over the 5 years. An Employee whose sabbatical leave application is approved receives one year's sabbatical leave by agreeing to forgo 20 per cent of their eligible salary on each payday in each of the 4 years immediately prior to going on one year's sabbatical leave.
- 4.92 If an Employee does not use all or part of the sabbatical leave within a one year period, the Employee will be refunded the cost of the leave not taken at the rate it was purchased, as a lump sum.
- 4.93 The first 4 years will count as service for all purposes, and the fifth year will not count as service for any purpose.
- 4.94 An Employee accessing sabbatical leave cannot also apply for purchased leave as prescribed at clause 4.88 of this Determination.

Study leave and financial assistance

- 4.95 The Secretary may approve an application from an Ongoing employee (who has successfully completed probation) for paid study leave of up to 7 hours and 30 minutes per week during each semester (including for exams) for approved courses that are relevant to the Department's operational requirements.
- 4.96 The Secretary may also approve an application for financial assistance for such study. Ongoing employees are eligible for reimbursement of course fees up to \$825 for the first approved subject in a semester and up to \$590 for each additional subject (with those amounts to be adjusted in line with the 3 per cent salary increase 12 months after the commencement of this Determination).
- 4.97 Employees undertaking Legal Workshop are eligible for total reimbursement of up to \$2,471 for course fees for the entire course of study. Where the Legal Workshop is undertaken part-time, at the end of each semester an Employee is eligible to claim \$1,235.50 for course fees for units successfully completed that semester, subject to a maximum reimbursement of \$2,471 for the entire course of study (with those

amounts to be adjusted in line with the 3 per cent salary increase 12 months after the commencement of this Determination).

War service sick leave

- 4.98** The Secretary will grant war service sick leave to Employees who are unfit for duty because of a war-caused or defence-caused condition. A war-caused or defence-caused condition is an injury or disease that has been determined under the *Veterans' Entitlement Act 1986* or the *Military Rehabilitation and Compensation Act 2004* to be war-caused or defence-caused.
- 4.99** Employees who are eligible for war service sick leave will be granted:
- (a) a 9 week special credit of war service sick leave from the date they commence employment with the APS; and
 - (b) a 3 week annual credit of war service sick leave on the date of commencement with the APS and after each subsequent 12 months of service. This may not be granted until the special credit has expired.
- 4.100** Unused annual credits will accumulate, subject to a maximum annual credit balance of 9 weeks.

Christmas/New Year period

- 4.101** The Secretary may direct that an Employee take leave between Christmas Day and New Year's Day (inclusive). Where the Secretary proposes to direct that an Employee take leave between Christmas Day and New Year's Day (inclusive), the Secretary will provide the Employee with no less than one month's notice of their intention to do so.
- 4.102** Employees may access flex credits or accrued time off in lieu to cover this period in the first instance. If the Employee is not able to use flex credits or accrued time off in lieu, the Employee will access annual leave. If the Employee is not able to access annual leave for the period, the Secretary must consider that there are reasonable grounds for the direction in relation to that Employee. Reasonable grounds include, but are not limited to, insufficient work or insufficient supervision in that period.
- 4.103** If an Employee has insufficient annual leave, flex credits or accrued time off in lieu, unpaid miscellaneous leave will be granted for the period in accordance with clause 4.44.

Part 5. Allowances

Allowances and paid leave

5.1 Allowances will be paid during paid leave (of any type, including combinations of more than one type), unless otherwise specified in this Determination, provided for in legislation, or agreed by the Secretary. Allowances will not be paid during unpaid leave or unauthorised absences from duty, unless agreed by the Secretary.

Allowances as salary for the purposes of other entitlements

5.2 Unless otherwise specified in this Determination, or otherwise provided for in legislation (or trust deed or other superannuation scheme documents) or agreed by the Secretary, the table below identifies whether an allowance in this Determination is to be included as salary for the purposes of the entitlements identified in each column.

Allowance	Superannuation	Long Service Leave	Redundancy pay
Part 3			
Overtime Meal Allowance	No	No	No
Part 5			
CATO and CFI Allowance	No	No	Yes
Cold Work Allowance	No	No	No
Community Language Allowance	Yes	Yes	Yes
Confined Space Allowance	No	No	No
Container Examination Facility Composite Allowance	No	No	No
Dirty or Offensive Work Allowance	No	No	No
Departmental Liaison Officer Allowance	Yes	No	Yes
Escort Duty Allowance	No	No	No
Higher Duties Allowance	Yes	Yes	See clause 8.21 of this Determination

Allowance	Superannuation	Long Service Leave	Redundancy pay
Operational Safety Trainer and Operational Capability Trainer Allowance	No	No	No
Restriction Allowance	No	No	No
School Holiday Assistance	No	No	No
Self-contained Breathing Apparatus Allowance	No	No	No
Uniform Allowance	No	No	No
Use of Force Allowance	No	No	No
Work Location Allowance	No	No	No
Workplace Responsibility Allowance	Yes	Yes	Yes
Part 9			
District Allowance	No	Yes	No
Camping Allowance	No	No	No
Sea-going vessel accommodation allowance	No	No	No
Motor vehicle allowance	No	No	No
Part 10			
Sea-going commuted allowance	See clauses 10.47 and 10.56	See clause 10.46(f)	Yes
Marine training allowance	No	No	No
Marine accommodation allowance	No	No	No
Operational safety trainer allowance	Yes	Yes	Yes
Southern Ocean operations allowance	No	No	No

Allowance	Superannuation	Long Service Leave	Redundancy pay
Part 11			
Composite surveillance allowance	See clause 11.8	See clause 11.6(c)	No
On Call Allowance	No	No	No

CATO and CFI allowance

5.3 Employees who hold the required certification to train and assess other Employees in the use of operational technologies and/or custodial firearms and:

- (a) volunteer to undertake this role in addition to their normal duties, and
- (b) are recognised by the work area as performing a Competency Assessment and Training Officer (CATO) or Custodial Firearms Instructor (CFI) role, and
- (c) are required by the Secretary to undertake this role,

will be eligible for an allowance.

5.4 The allowance will only be payable if the Employee maintains the relevant certification in the operational technology, holds and maintains any training and assessment qualification required by the Secretary and is required by the work area to perform the CATO and/or CFI role.

5.5 The allowance will be paid fortnightly based on the number of operational technologies the CATO and/or CFI is required to train and assess as follows:

	Commencement \$ per fortnight	12 months from commencement \$ per fortnight
1 to 3 technologies	37.87	39.00
4 to 6 technologies	43.28	44.58
7 or more technologies	48.69	50.15

5.6 For the purposes of the CATO/CFI allowance:

- (a) technology is defined as the particular individual detection tool used in the work area. For example, a CATO who trains and assesses other Employees in the operation and use of StreetLab, Sabre 4000, HazMat ID and the Biosens would be eligible for payment of \$43.28 per fortnight on commencement of the Determination; and
- (b) the role of CFI will count as one technology.

Cold work allowance

- 5.7 Employees who are required to perform duty in a place where the temperature is reduced by artificial means to 7 degrees Celsius or below, other than Employees working at container examination facilities, will be paid a cold work allowance. There are 3 levels of payment of the allowance which are based on the temperature where duty is performed:

	Commencement \$ per hour	12 months from commencement \$ per hour
Cold work: -1° to +7°	0.78	0.80
Cold work: -2° to -18°	1.12	1.15
Cold work: -18° or below	1.83	1.88

Community language allowance

- 5.8 Employees will be eligible for a community language allowance where the Secretary determines that:
- there is an identifiable and continuing operational need for the Employee's language skills (including Aboriginal and Torres Strait Islander languages and Auslan); and
 - the Employee's language competence meets a recognised standard.
- 5.9 The payment will be calculated annually and paid fortnightly.
- 5.10 There are 2 levels of payment of the allowance:

Rate	Commencement	12 months from commencement
Level 1 – Qualification / Standard		
(a) National Accredited Authority for Translators and Interpreters (NAATI) Language Aide Test; or		
(b) Recognised level of competency to deliver client services in languages for which NAATI does not test		
Level 1 (\$ per annum)	1,034	1,065

Rate	Commencement	12 months from commencement
Level 2 – Qualification / Standard		
(a) NAATI Para-professional interpreter and higher; or		
(b) Recognised tertiary qualification in interpreting; or		
(c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATSI) languages; or		
(d) Recognised Auslan qualification.		
Level 2 (\$ per annum)	2,068	2,130

Confined space allowance

- 5.11 Employees who are required to perform duty in a compartment, space or place, the dimensions of which necessitate the Employee working in a stooped or otherwise cramped position, or without proper ventilation, other than Employees working at container examination facilities, will be paid the following amount.

Rate	Commencement	12 months from commencement
\$ per hour	0.95	0.98

Container examination facility composite allowance

- 5.12 APS Level 3-5 Employees performing duties at container examination facilities will receive an annualised container examination facility composite allowance paid fortnightly in lieu of cold work, confined space and dirty or offensive work allowances, as set out in the table below.

Rate	Commencement	12 months from commencement
\$ per annum	290	299

Departmental liaison officer allowance

- 5.13 Where an Employee is performing the duties of a Departmental Liaison Officer, the Secretary will approve payment of an annual allowance in lieu of overtime in accordance with the table below. This allowance is calculated annually and paid fortnightly.

Rate	Commencement	12 months from commencement
\$ per annum	21,270	21,908

Dirty or offensive work disability allowance

- 5.14** Employees who are required to perform duty which the Secretary determines to be of an unusually dirty or offensive nature, other than Employees working at container examination facilities, will be entitled to an allowance set out below.

Rate	Commencement	12 months from commencement
\$ per hour	0.80	0.82

- 5.15** Employees with a medical condition that precludes them from performing work which would attract the allowance are ineligible.

Escort duty allowance

- 5.16** Where an Employee is required to escort clients to international destinations, the Secretary will approve payment of an allowance for each trip, plus an allowance for each day the Employee is absent in accordance with the table below.

Rate	Commencement	12 months from commencement
\$ per trip	531	547
\$ per day away	200	206

Higher duties allowance

- 5.17** Where an Employee temporarily performs duties of a higher classification, a higher duties allowance will be payable for the period of acting beyond 10 working days, or an earlier period as determined by the Secretary. Where an Employee has undertaken periods of acting beyond 10 working days in a financial year all subsequent periods of acting will attract a higher duties allowance from the commencement of the period of acting.
- 5.18** The payment of higher duties allowance will bring the Employee's salary to the minimum salary level for the classification for the acting position, subject to the Employee's adjusted salary being no less than 4 per cent above the Employee's substantive salary. The Secretary may determine a higher amount of higher duties allowance.
- 5.19** Employees who are granted paid leave or observe a public holiday during a period of approved higher duties will continue to receive higher duties allowance during that absence.
- 5.20** Higher duties allowance counts as salary for the payment of overtime, shift penalty payments and cashing out of annual leave.
- 5.21** Employees who have been on higher duties for an aggregate period of at least 6 of the last 12 months will be eligible for an increase in the rate of higher duties

allowance at the same rate as salary advancement provided they have received a performance rating of ‘met expectations’ or above at that level. An Employee’s salary level will be retained for any subsequent higher duties, as long as the gap between periods of acting is no more than 12 months.

5.22 Where an Employee temporarily works in a Senior Executive Service role, they will receive a higher duties allowance as determined by the Secretary.

Operational safety trainer (OST) and operational capability trainer (OCT) allowance

5.23 An employee who is an Operational Safety Trainer (OST) or an Operational Capability Trainer (OCT) assigned to a position in the Operational Safety Training Unit or Advanced Capability Training Section and who is a fully qualified instructor whose appointment as an OST/OCT has been granted by the Secretary shall be paid the annualised OST/OCT allowance set out below. The OST/OCT allowance shall be paid fortnightly.

Rate	Commencement	12 months from commencement
\$ per annum	5,410	5,572

Professional membership and accreditation expenses

5.24 The Secretary will, upon production of appropriate documentary evidence, meet the cost of professional association membership, practising certificates, formal accreditation or registration fees, and required training where there is a requirement to maintain these arrangements with a professional body in order to perform the duties of a particular role in the Department.

Restriction allowance

5.25 An Employee who is directed to be contactable and available to attend work to perform extra duty at a time when the Employee would not normally perform duty is entitled to a restriction allowance.

5.26 Restriction allowance is payable at a flat rate of \$41 per 24-hour period (or part thereof) on each occasion that the Employee is restricted.

5.27 The Employee may be required to perform the extra duty at their usual workplace or at another place, including their home.

5.28 Where an APS Level 1-6 Employee is restricted and is required to perform extra duty, the Employee will receive the following overtime payments:

- (a) where an Employee is required to return to their usual workplace or another workplace, a 3 hour minimum payment (inclusive of time spent travelling to and from that workplace); or
- (b) where the Employee is required to perform the extra duty at home, a one-hour minimum payment.

Released by Department of Home Affairs under the Freedom of Information Act 1982

School holiday assistance

- 5.29** Where an Ongoing employee with a school-aged child or children has an approved application for annual leave or purchased leave during school holidays cancelled for operational reasons, the Secretary will approve a reimbursement payment of \$27 per day towards the cost of each school-aged child enrolled in approved child care or school holiday program by reason of the cancellation.
- 5.30** The reimbursement will be paid:
- only in respect of days the Employee is at work;
 - regardless of the length of time the child is in the program each day;
 - on production of a receipt from an approved child care or school holiday program provider; and
 - to a maximum of \$270 per family per week.
- 5.31** An Employee whose Partner or former Partner receives a similar benefit from his/her employer is not eligible for the subsidy.
- 5.32** The Secretary may approve the payment of school holidays assistance in accordance with clauses 5.29 to 5.31 in circumstances where an Employee with school children has an application for annual leave or purchased leave during school holidays refused for operational reasons.

Self-contained breathing apparatus allowance

- 5.33** Employees qualified in and required to use self-contained breathing apparatus (SCBA) in the performance of their duties at a designated sea cargo examination area will receive an annualised SCBA allowance paid fortnightly as below.

Rate	Commencement	12 months from commencement
\$ per annum	833	858

Uniform allowance

- 5.34** Employees who are required to wear a uniform provided by the Department but who are not provided with shoes and socks as part of that uniform will receive the following annual allowance to cover the costs of appropriate shoes and socks. The allowance will be paid at the same rate to both Full-time and Part-time employees.

Rate	Commencement	12 months from commencement
\$ per annum	286	295

- 5.35** The Secretary will approve payment of the allowance to eligible Employees in advance on 1 July each year. Employees who commence work requiring the wearing

of a uniform at any time during the year and who are eligible for the allowance will receive a pro-rata payment of the allowance at the time of commencing the work.

Use of force allowance

5.36 Employees who are required to hold and have been issued with a valid Use of Force Permit (Level 3) for the full suite of personal defence equipment, including a handgun, and are assigned to designated Use of Force positions will receive an annualised use of force allowance paid fortnightly as below.

Rate	Commencement	12 months from commencement
\$ per annum	2,284	2,353

5.37 The allowance will only be payable if an Employee maintains the required competencies, fitness standard, Use of Force permit and/or security clearance and is assigned to a designated Use of Force position. Failure to maintain such standards will result in the immediate cessation of the allowance.

Work location allowance

5.38 The work location allowance will be gradually withdrawn over the life of this Determination.

5.39 For the purpose of the work location allowance:

(a) **‘Public transport’** means a system of buses, trains, etc, running on fixed routes, of reasonable frequency, on which the public may travel. This transport may be operated by public or private entities, however, the cost of such transport from point to point must be broadly comparable with the cost of such travel elsewhere within the same network or city to be considered as ‘public transport’ for the purpose of this definition.

(b) **‘Public transport hub’** means a major transport junction in a locality where a number of designated public transport routes meet and where it would be reasonable to expect that an employee would be able to commute to irrespective of their place of residence within that locality. Public transport hubs include but are not limited to:

Location	Nominated Hub
Sydney	Central Station Parramatta
Brisbane	Central Station
Adelaide	Adelaide Station
Melbourne	Southern Cross

Released by Department of Home Affairs under the Freedom of Information Act 1982

Location	Nominated Hub
Coolangatta	Surfers Paradise
Canberra	Civic Bus station Tuggeranong Bus interchange Belconnen Bus interchange Woden Bus interchange
Perth	Perth Central station
Fremantle	Fremantle Railway station
Darwin	Darwin GPO
Cairns	Lake St Hub
Hobart	Hobart GPO

5.40 Employees assigned to perform duties at locations where:

- (a) there is no Public transport that services the affected site, or
- (b) Public transport is available, but would involve travel (including walking) for more than 30 minutes from a defined Public transport hub, or
- (c) Public transport is not available to or from the hub at the commencement or end of rostered shift times,

will be eligible to receive a work location allowance.

5.41 The amount of the allowance has been determined taking into account the following components:

- (a) lack of Public transport – payable where Public transport is unavailable as per clause 5.40;
- (b) economic impact on Employees – payable where Employees are impacted by (a) and are also subject to additional costs at the work location, e.g. pay parking;
- (c) social impact on Employees – payable where Employees are impacted by (a) and the work location:
 - (i) has access to limited amenities and is more than 3km from a range of shops and facilities; or
 - (ii) there is an imposition of further travel upon arrival (e.g. provided parking is a distance away from the work site necessitating use of a further mode of transport).

- 5.42 Employees who do not satisfy the ‘lack of Public transport’ component of the allowance will not receive the ‘economic impact’ or ‘social impact’ components of the allowance. To be clear, these Employees will not be paid the work location allowance.
- 5.43 Employees who meet the requirements for the ‘economic impact’ component of the allowance will not receive the ‘social impact’ component of the allowance.
- 5.44 The value of each component of the allowance is as follows.

Component	Commencement (Comm’t)	6 months after Comm’t	12 months after Comm’t	18 months after Comm’t	24 months after Comm’t
	\$ per annum	\$ per annum	\$ per annum	\$ per annum	\$ per annum
Lack of Public transport	936	702	468	234	0
Economic impact	728	546	364	182	0
Social impact	104	78	52	26	0

Workplace responsibility allowance

- 5.45 Subject to clauses 5.46 and 5.47, where the Secretary has designated responsibilities as a:
- First Aid Officer,
 - Health and Safety Representative,
 - Integrity Support Officer,
 - Harassment Contact Officer, or
 - Emergency Control Volunteer,

the Employee will be paid an allowance calculated annually and paid fortnightly, as follows:

\$ per year/ Minimum current qualification	Commencement	12 months from commencement
Level 2 First Aid – Senior First Aid	558	575
Level 3 First Aid or higher qualification	685	706
Other workplace responsibility	346	356

- 5.46** The workplace responsibility allowance will only be paid to Employees:
- (a) where those duties are in addition to the normal duties of the Employee's position; and
 - (b) who have successfully completed a recognised training programme approved by the Secretary.
- 5.47** An Employee undertaking more than one of the above responsibilities will not be paid multiple allowance payments.

Other payments

- 5.48** The Secretary may authorise payments to Employees in recognition of exceptional circumstances experienced or expenses incurred by an Employee in the course of employment.

Part 6. Performance management

Performance Management Framework

- 6.1.** All Employees (other than Casual employees) will participate in the Department's Performance Management Framework (PMF). Further guidance regarding the PMF is set out in the Department's PMF policy.
- 6.2.** All Employees will have a Performance and Development Agreement (PDA) which is to be developed and agreed with their Manager for each performance management cycle. The PDA will among other things set out:
 - (a) the outcomes the Employee is expected to achieve;
 - (b) how the Employee will achieve those outcomes;
 - (c) planned development activities; and
 - (d) the measures against which the Employee's performance will be assessed.
- 6.3.** The scale for rating an Employee's performance under the PMF is:
 - (a) exceeded expectations;
 - (b) met expectations; and
 - (c) did not meet expectations.
- 6.4.** If there is a disagreement over the performance expectations or the performance rating determined by the Employee's Manager, the matter may be referred to a PMF Reviewer. If no PMF reviewer has previously been nominated, the Reviewer will be a person agreed to by both the Employee and their Manager. If agreement on a Reviewer cannot be reached, an independent person will be appointed by the Secretary. Throughout the review process, the Reviewer, the Employee and their Manager will continue to together work constructively towards resolution.

Performance Improvement Process

- 6.5.** Where an Employee's performance (other than a Casual employee or an Employee on probation) is likely to be or has been assessed as 'did not meet expectations', a performance improvement process will be initiated. The aim of the performance improvement process is to assist the Employee achieve the expected standard of performance.
- 6.6.** The performance improvement process must allow for procedural fairness and ensure that the Employee:
 - (a) understands the standard of performance that is expected of them;

- (b) understands the implications of not achieving that standard; and
- (c) is provided with appropriate support and time to improve performance.

6.7. The performance improvement process can commence at any time during the performance management cycle where an Employee's performance is considered as needing improvement. The process involves two steps – the first involving informal discussions and the second, if needed, a formal assessment period.

Step 1 – Initial discussions

6.8. Where a performance improvement process is triggered under clause 6.5, in the first instance discussions involving the Employee and their Manager will occur in an attempt to address the performance issues. Those discussions should be documented and identify any mitigating factors which may be impacting on the Employee's performance, e.g. issues of a personal nature.

6.9. This step will be 4 weeks in duration and may, in exceptional circumstances, be extended by the Secretary.

Step 2 – Assessment period

6.10. The Assessment Period may be initiated by the Secretary where the initial discussions at Step 1 above have not resulted in the Employee's performance returning to the expected standard.

6.11. Where an Assessment Period has been initiated, the Employee will be issued with a formal warning. Further, the Secretary will appoint an assessor who is a senior employee from outside of the Employee's work area to:

- (a) establish a Performance Improvement Plan in consultation with the Employee;
- (b) monitor the Employee's performance; and
- (c) provide the Secretary with a written report at the end of the Assessment Period on whether the Employee attained and sustained an acceptable standard of work performance.

6.12. The Assessment Period will be 8 weeks in duration and may, in exceptional circumstances, be extended by the Secretary.

6.13. If at the end of the Assessment Period the Employee has attained and sustained the expected standard of work performance, no further action will be taken.

6.14. However, if at the end of the Assessment Period the Employee has not attained and sustained the expected standard of work performance, the Secretary will determine what, if any, action should appropriately be taken. The appropriate action may include terminating the Employee's employment.

6.15. Further information is provided in the Department's Managing Underperformance Policy.

Part 7. Consultation

Consultation term

7.1 This Part applies if the Secretary:

- (a) has made a definite decision to introduce a major change to production, programme, organisation, structure or technology in relation to a work area of the Department that is likely to have a significant effect on Employees; or
- (b) proposes to introduce a change to the regular roster or ordinary hours of work of Employees.

Major change

7.2 For a major change referred to in clause 7.1(a):

- (a) the Secretary must notify the relevant Employees of the decision to introduce the major change; and
- (b) clauses 7.3 to 7.9 apply.

7.3 The relevant Employees may appoint a representative for the purposes of the procedures in this term.

7.4 If:

- (a) a relevant Employee appoints, or relevant Employees appoint, a representative for the purposes of consultation; and
- (b) the Employee or Employees advise the Secretary of the identity of the representative;

the Secretary must recognise the representative.

7.5 As soon as practicable after making the decision, the Secretary must:

- (a) discuss with the relevant Employees:
 - (i) the introduction of the change; and
 - (ii) the effect the change is likely to have on the Employees; and
 - (iii) measures the Secretary is taking to avert or mitigate the adverse effect of the change on the Employees; and
- (b) for the purposes of the discussion – provide, in writing, to the relevant Employees:
 - (i) all relevant information about the change including the nature of the change proposed; and
 - (ii) information about the expected effects of the change on the Employees; and

(iii) any other matters likely to affect the Employees.

- 7.6** However, the Secretary is not required to disclose confidential or commercially sensitive information to the relevant Employees.
- 7.7** The Secretary must give prompt and genuine consideration to matters raised about the major change by the relevant Employees.
- 7.8** If a term in this Determination provides for a major change to production, program, organisation, structure or technology in relation to the Department, the requirements set out in clauses 7.2(a), 7.3 and 7.5 are taken not to apply.
- 7.9** In this term, a major change is likely to have a significant effect on Employees if it results in:
- (a) the termination of the employment of Employees; or
 - (b) major change to the composition, operation or size of the Department's workforce or to the skills required of Employees; or
 - (c) the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
 - (d) the alteration of hours of work; or
 - (e) the need to retrain Employees; or
 - (f) the need to relocate Employees to another workplace; or
 - (g) the restructuring of jobs.

Change to regular roster or ordinary hours of work

- 7.10** For a change referred to in clause 7.1(b):
- (a) the Secretary must notify the relevant Employees of the proposed change; and
 - (b) clauses 7.11 to 7.15 apply.
- 7.11** The relevant Employees may appoint a representative for the purposes of the procedures in this term.
- 7.12** If:
- (a) a relevant Employee appoints, or relevant Employees appoint, a representative for the purposes of consultation; and
 - (b) the Employee or Employees advise the Secretary of the identity of the representative;
- the Secretary must recognise the representative.
- 7.13** As soon as practicable after proposing to introduce the change, the Secretary must:
- (a) discuss with the relevant Employees the introduction of the change; and

- (b) for the purposes of the discussion – provide to the relevant Employees:
 - (i) all relevant information about the change, including the nature of the change; and
 - (ii) information about what the Secretary reasonably believes will be the effects of the change on the Employees; and
 - (iii) information about any other matters that the Secretary reasonably believes are likely to affect the Employees; and
 - (c) invite the relevant Employees to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities).
- 7.14** However, the Secretary is not required to disclose confidential or commercially sensitive information to the relevant Employees.
- 7.15** The Secretary must give prompt and genuine consideration to matters raised about the change by the relevant Employees.
- 7.16** In this Part, ‘**relevant Employees**’ means the Employees who may be affected by a change referred to in clause 7.1.

National Staff Consultative Forum

- 7.17** The Secretary will establish a National Staff Consultative Forum (NSCF) comprised of members nominated by the Secretary, elected Employee representatives and representatives nominated by the CPSU and AIMPE.
- 7.18** The NSCF will operate in accordance with agreed Terms of Reference which can only be amended with the agreement of members of the NSCF. The Terms of Reference will among other things set out the size of and the issues to be discussed by the NSCF. The NSCF will meet no less than twice each calendar year.

Part 8. Redeployment and redundancy

Eligibility

- 8.1 This Part applies to Ongoing employees who are not on probation.
- 8.2 An Employee is excess to the Department's requirements where:
- (a) the Employee is included in a class of Employees, which class comprises a greater number of Employees than is necessary for the efficient and economical working of the Department;
 - (b) the Employee's services cannot be effectively used because of technological or other changes in the work methods of the Department or changes in the nature, extent or organisation of the functions of the Department; or
 - (c) the Employee's duties have been transferred to another Location to which the Employee is not willing to move and the Secretary determines that these provisions will apply to the Employee.

Consultation process

- 8.3 Where the Department intends to declare Employees excess to its requirements, the Secretary will consult with relevant Employees and their representatives, if any, in accordance with Part 7 of this Determination.
- 8.4 Notwithstanding clause 8.3, where 15 or more Employees are to be declared excess, the Department will consult with the relevant trade union(s) consistent with the provisions of Subdivision B of Division 2 of Part 3-6 of the *Fair Work Act 2009*.

Redeployment

- 8.5 The Secretary will take all reasonable steps to redeploy an excess (or potentially excess) Employee to a suitable position within the Department and, if no suitable positions are available, within the wider APS through collaborative arrangements with other agencies.

Voluntary redundancy

- 8.6 The Secretary may invite Employees to express interest in voluntary redundancy. The recipients and procedures for such invitations will be determined by the Secretary on a case-by-case basis.
- 8.7 An Employee will only be made one offer of voluntary redundancy.
- 8.8 An Employee offered voluntary redundancy, in any circumstance, will have one month to consider the offer. Unless the Employee agrees, the Secretary will not issue a notice of termination before the one-month consideration period has passed.
- 8.9 In the month prior to, or following, the offer of voluntary redundancy, an Employee must be given information on the:

- (a) amount of severance pay, pay in lieu of notice and paid up leave credits;
- (b) amount of accumulated superannuation contributions;
- (c) options open to the employee concerning superannuation; and
- (d) taxation rules applying to the various payments.

8.10 The one month consideration period can be reduced by agreement between the Secretary and the Employee where the Employee advises that they have been provided with the advice detailed in the preceding clause. Where the period is reduced, the Employee will be paid for the unexpired period of the consideration period as at the date of termination and a payment in lieu of the relevant period of notice specified in clause 8.12 below.

Financial advice

8.11 Employees who have been made an offer of voluntary redundancy will be provided with assistance in seeking financial advice. Upon production of receipts that services have been provided, the Department will reimburse the Employee for costs associated with consultations with a qualified financial adviser of the Employee's choice up to a maximum of \$640.

Period of notice of termination

8.12 Where an excess Employee's employment is terminated, the period of notice will be 4 weeks. In the case of an Employee over 45 years of age with at least 5 years continuous service the period of notice will be 5 weeks.

8.13 Where the Secretary directs, or the Employee requests, a termination date within the notice period, the Employee's employment will terminate on that date. In these circumstances, the Employee will be paid a payment in lieu of notice for the unexpired portion of the notice period. The payments an Employee would have received in respect of the ordinary time the employee would have worked during the period of notice, had the employment not been terminated, will be used in calculating any payment in lieu of notice.

Redundancy pay

8.14 Unless the NES provides for a greater entitlement, an excess Employee whose employment is voluntarily terminated will be entitled to a redundancy payment comprising of:

- (a) a sum equal to 2 weeks' salary for each completed year of continuous service; and
- (b) a pro-rata payment for completed months of service since the last completed year of service.

8.15 The minimum sum payable will be 4 weeks' salary and the maximum will be 48 weeks' salary.

- 8.16** The redundancy payment will be calculated on a pro-rata basis for any period where an Employee has worked part-time hours during their period of service and the Employee has less than 24 years of full-time service, subject to any minimum amount the Employee is entitled to under the NES.

Service for redundancy pay purposes

- 8.17** Service for redundancy pay purposes means:

- (a) service in the Department;
- (b) Government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*;
- (c) service with the Commonwealth (other than service with a Joint Commonwealth-State body corporate in which the Commonwealth has a controlling interest) which is recognised for long service leave purposes;
- (d) service in the Australian Defence Forces;
- (e) APS service immediately preceding deemed resignation under the repealed section 49 of the *Public Service Act 1922*, if the service has not previously been recognised for severance pay purposes; or
- (f) service in another organisation where:
 - i. an Employee was transferred from the APS to that organisation with a transfer of function, or
 - ii. an Employee engaged by that organisation on work within a function is appointed as a result of the transfer of that function to the APS, and
 - iii. such service is recognised for long service leave purposes.

- 8.18** For earlier periods of service to count there must be no breaks between the periods of service, except where:

- (a) the break in service is less than one month and occurs where an offer of employment in relation to the second period of service was made and accepted by the Employee before the first period of service ended (whether or not the 2 periods of service are with the same employer or Agency); or
- (b) the earlier period of service was with the APS and ceased because the Employee was deemed to have resigned from the Department on marriage under the repealed section 49 of the *Public Service Act 1922*.

- 8.19** Any period of service which ceased:

- (a) by way of termination under section 29 of the *Public Service Act 1999*, or
- (b) prior to the commencement of the *Public Service Act 1999* by way of retrenchment, retirement on grounds of invalidity, inefficiency or loss of

qualifications, forfeiture of office, dismissal, termination of probationary appointment for reasons of unsatisfactory service, or

(c) by voluntary retirement at or above the minimum retiring age applicable to the Employee, or

(d) with the payment of an employer-financed retirement benefit,

will not count as service for redundancy pay purposes.

8.20 Absences from work which do not count as service for long service leave purposes will not count as service for redundancy pay purposes.

Salary for redundancy pay purposes

8.21 For the purpose of calculating the redundancy payment, salary includes:

(a) the Employee's salary at their classification level; or

(b) the salary at a higher classification level, where the Employee has been working at the higher level on higher duties for a continuous period of at least 12 months immediately preceding the date on which the Employee is given notice of termination; and

(c) the allowances identified as salary for the purposes of redundancy in column 4 of the table at clause 5.2 of this Determination.

Retention periods

8.22 Where an excess Employee has not accepted an offer of voluntary redundancy, the Secretary will not terminate the Employee's employment until the following retention periods have elapsed:

(a) 13 months where an employee has 20 or more years of service or is over 45 years of age; or

(b) 7 months for all other employees.

8.23 If, however, an Employee is entitled to a redundancy payment in accordance with the NES, the relevant retention period specified above will be reduced by the number of weeks redundancy pay that the Employee will be entitled to under the NES on termination, as at the expiration of the retention period (as adjusted by this clause). For example, an Employee who would otherwise be eligible for a retention period of 7 months and a NES redundancy payment equivalent to 12 weeks' salary, will be offered a retention period of seven months minus 12 weeks.

8.24 This retention period will commence on the earlier of the following:

(a) the day that the Employee is advised in writing by the Secretary that they are an excess Employee; or

- (b) one month after the day on which the Secretary invites the Employee to accept voluntary redundancy

subject to reductions in the length of period to offset redundancy entitlements under the NES, as described in the clause 8.23.

8.25 The retention period will be extended by any periods of certified personal leave taken by the Employee for reasons of personal illness or injury during the retention period. Any such extension will be reduced by an amount equivalent to the NES redundancy entitlement.

8.26 During the retention period, the Secretary:

- (a) will continue to take reasonable steps to find alternative employment for the excess Employee; and
- (b) may, on request, provide assistance in meeting reasonable travel costs and incidental expenses incurred in seeking alternative employment; and
- (c) may, with 4 weeks' notice, assign the Employee to duties at a lower classification as a means of securing alternative employment. Where this occurs before the end of an Employee's retention period, the Employee will receive income maintenance to maintain their salary at the previous higher level for the balance of the retention period.

8.27 During a retention period an Employee's salary will be:

- (a) the salary at their classification level; or
- (b) the salary at a higher classification level, where the Employee has been working at the higher level on higher duties for a continuous period of at least 12 months immediately preceding the date on which the Employee was notified that they were excess and that acting would have continued but for being declared excess; and
- (c) other allowances in the nature of salary which are paid during periods of annual leave and on a regular basis, excluding allowances which are a reimbursement for expenses incurred, or a payment for disabilities associated with the performance of duty.

8.28 An excess Employee required to move their household to a new locality because of a reassignment of duties, will be entitled to reasonable expenses subject to negotiation with the Secretary.

8.29 Where there is insufficient productive work available for the excess Employee within the Department during the remainder of the retention period and there are no reasonable redeployment prospects in the APS, the Secretary may:

- (a) with the agreement of the Employee, terminate the employee's employment under section 29 of the *Public Service Act 1999*; and

- (b) upon termination, pay the balance of the retention period to the Employee as a lump sum, with any such payment being reduced by an amount equivalent to the Employee's entitlement to redundancy pay under the NES. This payment will be taken to include payment in lieu of notice of termination of employment. An Employee whose employment is terminated in these circumstances will also be entitled to a redundancy payment in accordance with their NES entitlement.
- 8.30** The Secretary may involuntarily terminate the employment of an excess Employee at the end of the retention period.
- 8.31** An excess Employee will not have their employment terminated involuntarily if:
- (a) they have not been offered voluntary redundancy; or
 - (b) if they have accepted voluntary redundancy and the Secretary has refused to approve it.
- 8.32** An excess Employee whose employment is involuntarily terminated will be given notice of termination in accordance with clause 8.12 of this Determination. The specified periods of notice will, as far as practicable, be concurrent with the retention periods specified in clause 8.22 of this Determination.

Part 9. Travel and location based conditions and allowances

Travel during working hours

- 9.1 Wherever practical, domestic business travel should be undertaken within the standard hours of duty or within the flex-time bandwidth where flex-time applies.
- 9.2 Domestic business travel undertaken within the flex-time bandwidth is considered time on duty.
- 9.3 For domestic business travel outside the flex-time bandwidth (or outside ordinary working hours for shift workers or Employees on standard working hours), APS Level 1-6 Employees may claim time off in lieu, at single time, and clause 3.47 does not apply to such travel. When travel is undertaken to escort a client in the Employees' care and control or where the Employee was already working approved overtime when commencing travel to perform duties, then clause 3.47 applies. Time off in lieu may be considered for Executive Level Employees under clause 3.31.
- 9.4 Travel between Papua New Guinea and Thursday Island is considered 'domestic' travel for the purpose of this Determination.

Remote localities

- 9.5 Employees stationed either on an ongoing basis or on a Term transfer or Posting in a Location which is designated a remote locality in accordance with clause 9.6 of this Determination will receive the remote locality conditions set out below (also see clause 9.13 below in respect of remote locality leave fares).

Grade	District Allowance				Additional leave
	On commencement		12 months after commencement		
	Without Dependants \$ per annum	One or more Dependants \$ per annum	Without Dependants \$ per annum	One or more Dependants \$ per annum	
1	1,617	2,714	1,666	2,796	2 days
2	4,274	8,029	4,402	8,270	3 days
3	6,931	10,685	7,139	11,006	5 days
4	8,924	17,328	9,192	17,848	7 days

Determination of localities

- 9.6 The methodology prescribed in clause 12.2 of the *Australian Public Service Enterprise Award 2015* (as varied from time to time) will be used to determine whether a Location attracts the remote locality conditions set out in clause 9.5 above and the level of conditions which apply.

- 9.7 The Secretary may review the grading of remote localities from time-to-time and the remote locality conditions for particular localities may be adjusted accordingly.

District allowance

- 9.8 The applicable district allowance is calculated annually and paid fortnightly. The applicable district allowance ceases to apply on the day the Employee ceases to be stationed at the Location or ceases to be employed by the Department.
- 9.9 An Employee will be entitled to the higher rate of district allowance where:
- (a) a Dependant or Dependents permanently reside with the Employee; and
 - (b) the Dependant or Dependents are totally or substantially dependent on the Employee.
- 9.10 Where partnered Employees are both entitled to the payment of district allowances, they will each receive the district allowance but are not entitled to the higher rate for any Dependents.

Additional leave

- 9.11 The applicable additional leave per year accrues in addition to the annual leave entitlement prescribed in this Determination.
- 9.12 Eligibility for additional leave will not commence until an Employee has more than 30 calendar days service in the remote locality.

Remote locality leave fares

- 9.13 An Employee stationed at a Location which attracts the remote locality conditions set out in clause 9.5 for a Term transfer or Posting of more than one year and 3 months is entitled to one leave fare in respect of each full year of service at that locality, other than the final year of service. The entitlement to leave fares set out below accrues on arrival at the remote locality to which the leave fares assistance applies.

Grade	Leave fares
1	No
2	Yes
3	Yes
4	Yes

- 9.14 The Employee's fare will be for the purposes of leave to travel to the nearest capital city. The nearest capital city is the capital city of the State which is the closest in distance to the Employee's usual place of work. If the Employee is assigned anywhere in the Northern Territory, the nearest Capital City is Adelaide.

9.15 An Employee who is entitled to leave fares assistance is also entitled to leave fares assistance in respect of a Dependant or Dependants where:

- (a) the Dependant or Dependants permanently reside with the Employee; and
- (b) the Dependant or Dependants are totally or substantially dependent on the Employee.

9.16 Leave fares assistance will be provided on the basis of lowest practical airfare of the day, or where travel is by other means, reimbursement of reasonable travel costs up to the value of the equivalent lowest practical airfare of the day.

9.17 The Secretary may authorise travel to a place other than the nearest capital city, provided the Employee pays for any difference in fare.

Transitional arrangements

9.18 Where on commencement of this Determination an Employee was in receipt of remote locality conditions for a Location which is no longer designated a remote locality as a result of the operation of clause 9.6 of this Determination, the level of remote locality conditions being provided to the Employee at the commencement of this Determination will continue to apply but will reduce by 25 per cent each 6 months after commencement of this Determination until such time as the level of remote locality conditions is reduced to zero in respect of those locations which are no longer designated a remote locality.

Domestic travel arrangements

Domestic travel expenses

9.19 The Secretary will meet reasonable costs of fares for Employees required to travel to another Location for work purposes.

9.20 The Secretary will meet reasonable costs of accommodation, meals and incidental expenses for Employees required to travel overnight to another Location for work purposes. Allowances to cover meals and incidental expenses for domestic overnight travel will be set by the applicable Taxation Determination. Where a meal is included in the cost of the accommodation or fare, a meal allowance will not be paid.

9.21 The Secretary may determine a lesser rate of allowance based on a reimbursement of reasonable costs where an Employee will be or is away from their home Location for a period of 21 days or longer.

Part day travel allowance

9.22 Employees who travel for business purposes but are not required to stay overnight will receive part day travel allowance provided the Employee is absent from their home base for 10 hours or more. Part day travel allowance is paid at the rate of \$51 per day and is taxable.

9.23 Part day travel allowance is not payable in circumstances where lunch is provided at no cost to the Employee.

Camping allowance

- 9.24 Where an Employee is required to camp out in the course of the performance of their duties, the Employee will receive a Camping Allowance of \$106 per overnight stay.

Marine accommodation allowance

- 9.25 Employees who do not meet the definition of Sea-going marine employee as defined in clause 10.4 and are accommodated overnight on a Sea-going vessel on a voyage of not less than 24 hours duration, will be entitled to payment of a marine accommodation allowance in accordance with clauses 10.68 and 10.69 of this Determination.

Motor vehicle allowance

- 9.26 Where the Secretary gives approval for an Employee to use their own vehicle in the course of employment, a motor vehicle allowance will be paid in accordance with the 'cents per kilometre' method prescribed by the *Income Tax Assessment Act 1997* (as varied from time to time).
- 9.27 An Employee in receipt of motor vehicle allowance may be reimbursed parking and toll fees incurred while using their own vehicle in the course of employment where the Secretary is satisfied that these costs were reasonably incurred.

Rest periods

- 9.28 If an Employee:
- (a) undertakes a journey in the course of the performance of their duties, and
 - (b) that journey involves continuous travelling time of more than 12 hours,
- the Employee will be entitled to a paid rest period of sufficient duration to enable overnight rest before recommencing duty. A rest period must not be longer than 24 hours.
- 9.29 Where the Employee's journey involves a continuous travelling time of more than 20 hours, the Employee will be entitled to 2 rest periods before recommencing duty. One rest period may be taken partway through the journey, and the remaining rest period may be taken at the end of the journey, or both rest periods may be taken at the end of the journey. In the latter case, the combined rest periods must not be longer than 48 hours.

Domestic relocation expenses

- 9.30 The Department will meet fair and reasonable costs incurred by Employees who relocate from one geographical Location to another in the following circumstances:
- (a) Term transfer;
 - (b) temporary transfer;

- (c) on engagement (e.g. Employees recruited under the Graduate Development Program and the National Indigenous Cadetship Program), promotion or movement to a job with the Department in a different geographical Location from that in which the Employee normally works and/or resides;
- (d) where the transfer is for a temporary period to undertake specific duties due to departmental business priorities; or
- (e) any other circumstance as determined by the Secretary.

9.31 Further information is available in the Department's Domestic Relocation policy.

9.32 Relocations initiated by an Employee for personal or compassionate reasons will generally be at the Employee's own expense.

Temporary relocations

9.33 The Secretary will approve the reimbursement of reasonable excess fares incurred by an Employee while performing duty temporarily at a Location other than their usual place of work when the cost of travelling to and from the temporary Location is greater than the cost of travelling to and from the Employee's usual place of work.

9.34 An Employee will not receive reimbursement for excess fares if they are receiving travel allowance or if they have been advised in writing that they will be permanently relocated to another Location within the city or town where they currently work.

Overseas conditions of service

9.35 Overseas Conditions of Service entitlements, including any overseas travel, are determined by the Secretary from time to time.

Part 10. Conditions specific to marine employees

Application

- 10.1 The working arrangements and conditions in this Part apply to Sea-going marine employees and Temporary sea-going marine employees and displace all other provisions of this Determination to the extent of any inconsistency.

Definitions

- 10.2 **‘Duty day’** is a day on which work is performed and includes, but is not limited to, duty performed on a Sea-going vessel (sea duty), travel days, administrative support days, training days that attract sea-going commuted allowance, shore-based duty and days in port.
- 10.3 **‘Emergency response’** is a situation, in the opinion of the Secretary, that will relate to:
- (a) government humanitarian aid and disaster relief; or
 - (b) an emergency event which may include, but is not limited to, weather conditions, natural disasters, or Sea-going vessel breakdown.
- 10.4 **‘Sea-going marine employee’** means an Employee whose primary role is to perform duty as a member of a crew on a Sea-going vessel, but does not include a Temporary sea-going marine employee
- 10.5 **‘Sea-going vessel’** means any Marine Unit vessel responsible for off shore maritime operations.
- 10.6 **‘Southern Ocean operations’** are operations wholly or predominantly undertaken below latitude 35° S.
- 10.7 **‘Strategic patrol’** means a patrol that is approved as part of a long-term sailing plan.
- 10.8 **‘Strategic response’** is a situation which requires the Secretary to implement an immediate or planned departmental response in order to give effect to Government requirement to maintain a particular maritime posture in response to a heightened risk situation which must be addressed as a matter of priority.
- 10.9 **‘Tactical response’** is a situation which, in the opinion of the Secretary, requires immediate or planned departmental or client agency response to an alleged border incursion or other illegal activity under international or domestic obligations.
- 10.10 **‘Temporary sea-going marine employee’** means an Employee required to perform marine training, marine compliance or humanitarian claims assessments on board a Sea-going vessel at sea.

Working patterns

- 10.11 Sea-going marine employees shall work a roster cycle equating to 195 Duty days each financial year, comprising:

- (a) 190 rostered Duty days, and
- (b) 5 administrative support days (50 hours) in recognition of administrative duties required to be performed but cannot be undertaken whilst at sea. Administrative support days will be taken at the discretion of the Sea-going marine employee, having regard to the nature of administrative duties and relevant due dates.

10.12 Working patterns for Strategic patrols will normally be in periods of:

- (a) 22 days rostered on and 20 days off for duty on Bay Class and Torres Strait vessels,
- (b) 28 days rostered on and 28 days rostered off on Cape Class and Thaiyak vessels,
- (c) 29 days rostered on and 27 days off on other Sea-going vessels,
- (d) 42 days rostered on and 42 days off for Southern Ocean operations.

10.13 Where ABFC Ocean Shield (or other similar large hulled vessels designated by the Secretary for the purposes of this clause) are deployed to remote or overseas locations, a roster of 31 days on and 27 days off may apply in order to afford travel to and from the vessel for a 27 day patrol.

10.14 Where a Sea-going marine employee is unable to join a Sea-going vessel prior to departure due to extenuating circumstances, the Secretary may require the Employee to:

- (a) join the vessel at its next port of call; or
- (b) be deployed as part of the crew on another vessel; or
- (c) be deployed to other duty at a departmental workplace.

10.15 The Secretary may roster a Sea-going marine employee for more than 195 days in a financial year where, in the Secretary's opinion, operational requirements require the Employee to work more than 195 days in that financial year.

10.16 When a Sea-going marine employee is required to attend court hearings in relation to operational activities, this day will be counted as a Duty day.

Hours of duty

10.17 For the purposes of sea duty, Sea-going marine employees shall work such hours as may be necessary for the efficient and safe operations and maintenance of the vessel.

10.18 Sea-going marine employees will be required to perform work in a scheduled rest period for the duration of a Tactical response or Emergency response. Work in a scheduled rest period will be allocated taking into account the management of crew fatigue.

10.19 For the purpose of leave and shore-based duty, a day shall be regarded as 10 hours.

Notice periods

- 10.20** The Secretary will, so far as is possible, notify Sea-going marine employees of their rostered Duty days for Strategic patrols 3 months in advance.
- 10.21** Sea-going marine employees will not be required to work on a Strategic patrol on a rostered day off unless:
- (a) 7 days' notice prior to that duty has been given; or
 - (b) the Secretary obtains the prior agreement of the Sea-going marine employee.
- 10.22** Where an Employee is rostered for duty on a Strategic patrol and an extension to the Employee's roster is necessary to ensure the Employee's 195 duty day count is met, a variation may be made to the Employee's roster following consultation with the affected Employee and subject to 56 days' notice being provided prior to the commencement of that period of rostered duty.

Rest periods

- 10.23** At the end of a period of rostered duty, Employees will normally be provided with at least one rostered day off for each 2 days rostered on. Employees may agree to a rest period of a lesser duration with any such agreement to be in writing.
- 10.24** Where a return to rostered duty is required for reasons other than a Tactical response, Emergency response or Strategic response, the minimum rest period is:
- (a) 5 days for Bay Class and Torres Strait vessels,
 - (b) 6 days for Cape Class, Thaiyak and any other Sea-going vessel, and
 - (c) 10 days for Southern Ocean operations.
- 10.25** Subject to operational requirements, rostered days off will normally be provided at the Sea-going marine employee's home Location.
- 10.26** Where a Sea-going marine employee is required to undertake duties or training at a location other than their home Location, the Employee's rostered days off may, with the written agreement of the Employee, be provided in that Location. The Secretary will provide accommodation and allowances in accordance with clause 9.20 of this Determination.

Tactical response, Emergency response or Strategic response

- 10.27** In order to meet a Tactical response, Emergency response or Strategic response, Sea-going marine employees may be required to:
- (a) immediately return to duty (without 7 days' notice); and/or
 - (b) perform in excess of the number of days normally rostered for the vessel.

- 10.28** Any additional Duty days worked to meet a Tactical response, Emergency response, or Strategic response will accrue as days off to be taken during the next cycle or at a mutually agreed time.
- 10.29** Notwithstanding the provisions of this clause, Sea-going marine employees will not be required to perform more than:
- (a) 30 days of consecutive duty on a Bay Class and Torres Strait vessel;
 - (b) 36 days of consecutive duty on Cape Class, Thaiyak and any other Sea-going vessel; and
 - (c) 55 days of consecutive duty on Southern Ocean operations.

Planned leave

- 10.30** Subject to operational requirements, the Secretary may grant Sea-going marine employees planned leave as follows:
- (a) when rostered on a Bay Class or Torres Strait vessel: 62 days leave for 22 consecutive days of annual leave (representing 20 days off after a patrol, 22 days consecutive annual leave, and 20 days off after the following patrol), or
 - (b) when rostered on other Sea-going vessels (except Southern Ocean operations vessels): 83 days leave for 29 consecutive days (representing 27 days off after a patrol, 29 days consecutive annual leave, and 27 days off after the following patrol).

Weekend work

- 10.31** Sea-going marine employees will not be required to work in excess of 26 Saturdays and 26 Sundays in a 195 day roster cycle.
- 10.32** Any additional Saturday or Sunday worked:
- (a) must be with the Sea-going marine employee's consent; and
 - (b) attract a penalty of 200 per cent (double time) applied to the Sea-going marine employee's base salary.

Additional annual leave for Sunday duty

- 10.33** Sea-going marine employees, who receive the sea-going commuted allowance for more than 26 weeks in a calendar year, will receive one week of additional annual leave per year in recognition of Sunday duty in accordance with clause 4.12 of this Determination.
- 10.34** Sea-going marine employees receiving the sea-going commuted allowance for less than 26 weeks will accrue additional annual leave for Sunday duty on a pro-rata basis in accordance with clauses 4.13 to 4.15 of this Determination.

Extra duty reconciliation payment

10.35 Where a Sea-going marine employee performs duty in excess of the 195 day quota in a financial year, overtime for each additional Duty day will be paid as a lump sum at the end of the financial year according to the following formula:

$$[(\text{base hourly rate of salary} \times 200 \text{ per cent}) + (\text{base hourly rate} \times \% \text{ rate of sea-going commuted marine allowance})] \times 10$$

10.36 Extra duty reconciliation payments:

- (a) will be paid on a pro-rata basis at the point the Employee ceases to be a Sea-going marine employee, or at cessation of employment with the Department; and
- (b) will be calculated inclusive of sea-going commuted marine allowance but exclusive of any other allowance or penalty payment.

Time off in lieu

10.37 A Sea-going marine employee may agree to be granted time off in lieu of payment for overtime under this clause. Time off in lieu will be granted on:

- (a) an hour for hour basis with an entitlement to a residual payment; or
- (b) on a penalty time basis taking into account the relevant rate of penalty.

Overtime on rostered days off outside Marine Unit operations

10.38 The Secretary may direct a Sea-going marine employee to perform overtime on a rostered day off for duty outside normal Marine Unit operations. Where directed, the overtime provisions of this Determination will apply.

10.39 Where the Employee is restricted on a day exceeding the 195 day quota in a financial year, restriction allowance in accordance with clause 5.26 of this Determination will be paid.

Domiciling

10.40 The Secretary will determine the home Location for Sea-going marine employees according to operational requirements, and where possible, will take account of Employees' personal circumstances.

10.41 For the purposes of rostered duty, time will commence when the Sea-going marine employee departs their home Location for duty.

10.42 Where a Sea-going marine employee is required to attend a place of work other than in the Employee's home Location, or is required to travel to a vessel located in the Employee's home Location which is scheduled for deployment, the Department will meet the cost of a one-way trip to a maximum value of \$135.25 (this amount is fixed for the duration of this Determination).

Sea-going commuted allowance

- 10.43** Sea-going marine employees will receive a sea-going commuted allowance. This allowance is paid in recognition of:
- (a) the special duties performed by the Marine Unit; and
 - (b) the unique flexibilities and sometimes difficult working conditions associated with the nature of Marine Unit operations.
- 10.44** The allowance is paid in lieu of any overtime, flex-time, time off in lieu, restricted duty, other non-salary time related payments (e.g. shift penalties) contained in this Determination that would otherwise apply.
- 10.45** The sea-going commuted allowance will only be payable if a Sea-going marine employee maintains mandatory qualifications and required competencies, including medical and fitness requirements, Use of Force permit (if applicable) and security clearance. Failure to maintain such standards may result in the cessation of the sea-going commuted allowance.
- 10.46** The allowance is payable for up to 195 Duty days per financial year and is payable for:
- (a) periods of work performing marine related duties;
 - (b) Employee-initiated training courses for a single continuous period not exceeding 28 calendar days;
 - (c) management-initiated training courses;
 - (d) annual leave utilised during periods of service as a Sea-going marine employee which includes periods of annual leave taken at the completion of Marine Unit approved training;
 - (e) paid leave provided in accordance with the *Defence Reserve Service (Protection) Act 2001*; and
 - (f) all other forms of paid leave up to a maximum of 18 days in any one financial year.
- 10.47** The sea-going commuted allowance will count as an allowance for superannuation purposes where it is received on a regular basis, i.e. for a continuous period of 12 months and one day or where it has been certified by the Secretary that the allowance is likely to be received continuously for at least 12 months.

Rate of sea-going commuted allowance payable

- 10.48** The rate of sea-going commuted allowance will be:
- (a) for Sea-going marine employees normally assigned to a Bay Class or Torres Strait vessel – 60 per cent of the Employee’s annual salary,
 - (b) for Sea-going marine employees normally assigned to Cape Class and Thaiyak vessels – 63 per cent of the Employee’s annual salary,

- (c) for Sea-going marine employees normally assigned to another vessel involving at least 28 days of continuous duty rostered on – 62 per cent of the Employee's annual salary.

10.49 The sea-going commuted allowance will be paid each fortnight in accordance with the following formula:

$$\frac{\text{Commuted allowance \%} \times \text{Base Salary} \times 12}{313}$$

313

Pro rata payments

10.50 Where unpaid leave or more than 180 hours of paid leave (other than annual leave or paid leave provided in accordance with the *Defence Reserve Service (Protection) Act 2001*) is taken in a financial year, the sea-going commuted allowance will be deducted based on the number of rostered hours of duty on each day of leave in accordance with the following formula:

$$\frac{\text{Fortnightly rate of allowance} \times \text{Number of hours of leave}}{75}$$

75

Temporary sea-going marine employees

10.51 For the purposes of sea duty, a Duty day in relation to Temporary sea-going marine employees will be 10 hours.

10.52 Where a Temporary sea-going marine employee is not required to perform sea duty, the Employee's daily ordinary hours of work are 7 hours and 30 minutes.

10.53 For the purposes of leave accrual, a day shall be regarded as 7 hours and 30 minutes.

10.54 Temporary sea-going marine employees who perform sea duty in excess of the Employee's normal fortnightly hours of duty will be provided time off in lieu. Time off in lieu may be taken at the end of each period of sea duty or at a mutually agreed time.

10.55 Temporary sea-going marine employees will receive a sea-going commuted allowance calculated on a pro-rata basis for each day of sea duty in accordance with the following formula:

$$\frac{\text{Base Salary} \times 60\%}{177}$$

177

10.56 The sea-going commuted allowance shall not count as salary for superannuation purposes for Temporary sea-going marine employees.

10.57 Marine accommodation allowance shall be paid to Temporary sea-going marine employees for each night accommodated on board a Sea-going vessel provided that the period accommodated on board the vessel is not less than 24 hours, irrespective of whether the vessel is in the Employee's home Location or not.

10.58 Temporary sea-going marine employees will receive up to one week of additional annual leave per year in recognition of Sunday duty on a pro-rata basis in accordance with clauses 4.13 to 4.15 of this Determination.

Marine training

Management-initiated training

10.59 Marine Unit approved training courses are management-initiated where the Secretary determines that training is required for the Sea-going marine employee to meet regulatory or operational needs directly related to their role.

Employee-initiated training

10.60 Sea-going marine employees who attend Employee-initiated Marine Unit approved training courses that:

- (a) span a single continuous period exceeding 28 calendar days in duration, and
- (b) are not at the direction of the Secretary but at the request of the Sea-going marine employee, and
- (c) are approved by the Secretary,

will be entitled to:

- (d) receive a marine training allowance, and
- (e) have course fees paid by the Department.

10.61 Any expenses incurred beyond course fees will be borne by the Sea-going marine employee.

10.62 The marine training allowance will be calculated annually and paid fortnightly for the duration of the training in accordance with the following formula:

$$\frac{30\% \times \text{Base Salary} \times 12}{313}$$

313

10.63 The marine training allowance will be payable from the first day of rostered duty until the last day of rostered duty during the specified training course period.

10.64 Training days that attract a marine training allowance are not regarded as Duty days and are not included in the 195-day quota.

10.65 All allowances and penalties in this Determination (including but not limited to the sea-going commuted allowance, overtime, shift penalty, and payments for restricted duty or extra duty) do not apply whilst a Sea-going marine employee is undertaking Employee-initiated training and in receipt of the marine training allowance.

Marine Unit Engineer and Deck Officer Cadet Program

10.66 Participants in the Engineer Cadet or Deck Officer Cadet program will be remunerated in accordance with the APS Graduate classification.

Marine accommodation allowance

10.67 For each night accommodated on board a Sea-going vessel, Employees will receive marine accommodation allowance provided that the period accommodated on board the vessel is not less than 24 hours. For the purpose of this clause, a night shall be regarded as a period extending beyond midnight on any one day.

10.68 Marine accommodation allowance is payable in recognition of the level of amenity provided on Sea-going vessels.

Rate \$ per night	Commencement	12 months from commencement
Category A	\$57.89	\$59.63
Category B	\$37.26	\$38.38
Category C	\$18.72	\$19.28

10.69 At the commencement of this Determination:

- (a) Bay Class and Torres Strait vessels will attract the Category A rate,
- (b) Cape Class and Thaiyak vessels will attract the Category B rate, and
- (c) The Ocean Shield will attract the Category C rate.

10.70 Sea-going marine employees who on 23 December 2011 were in receipt of marine accommodation allowance will be paid the Category A rate. This 'grandfathered arrangement' will terminate when an Employee ceases to be a Sea-going marine employee.

10.71 Where the Secretary determines that there has been a significant and ongoing change to the levels of amenity on a Sea-going vessel, a review of the category of marine accommodation allowance applicable to that vessel will be undertaken and may change as a result of that review.

10.72 Where other Sea-going vessels are utilised by the Department, the category of marine accommodation allowance will be determined by the Secretary.

10.73 Where more than 12 people are accommodated overnight on board a Bay Class vessel, a 50 per cent increase to marine accommodation allowance applies.

Operational safety trainer allowance

10.74 Crew members who are trained and operate as operational safety trainers (OST) will receive an allowance calculated annually and paid fortnightly, as follows:

Rate	Commencement	12 months from commencement
\$ per annum	647.05	666.46

Southern Ocean operations allowance

10.75 An allowance may be payable for Southern Ocean operations, depending on the deployment locality of the vessel and the work performed by the Sea-going marine employee on board the vessel, as determined by the Secretary, as follows:

Rate \$ per day	Commencement	12 months from commencement
Sea-going vessel	\$195.12	\$200.97
Foreign vessel when undertaking boarding activity	\$195.12	\$200.97
Foreign vessel	\$129.71	\$133.60

Part 11. Conditions specific to designated National Surveillance Unit Employees

Application

- 11.1 The working arrangements and conditions in this Part apply to designated National Surveillance Unit (NSU) Employees and displace all other provisions of this Determination to the extent of any inconsistency.

Flexible working pattern

- 11.2 Designated NSU Employees will work a flexible working pattern to meet the requirements of the NSU. Days and times of work will be determined by the Secretary to meet operational requirements on the basis that each designated NSU Employee will be required to work:

- (a) up to 184 hours of duty over a designated 4 week cycle;
- (b) up to 16 hours within a 24 hour period; and
- (c) up to 64 hours within a 7 day period.

- 11.3 Designated NSU Employees will not be required to work more than 184 hours within the 4 week cycle.

Composite surveillance allowance

- 11.4 Designated NSU Employees will be eligible to receive the composite surveillance allowance. This allowance is paid in recognition of:

- (a) the special duties performed by the NSU; and
- (b) the unique flexibilities and sometimes difficult working conditions associated with the nature of covert surveillance operations.

- 11.5 The allowance is paid in lieu of any overtime, flex-time, time off in lieu or other non-salary time related payments (e.g. shift penalties) contained in this Determination that would otherwise apply.

- 11.6 The composite surveillance allowance will be calculated as 50 per cent of the Employee's annual salary for all duty performed in a designated NSU position. The composite surveillance allowance is payable to NSU Employees during:

- (a) annual leave utilised during periods of service as a NSU Employee;
- (b) paid leave provided in accordance with the *Defence Reserve Service (Protection) Act 2001*; and
- (c) all other forms of leave up to a maximum of 10 days in any one financial year.

- 11.7 Designated NSU Employees performing surveillance duties within the team on a temporary basis will be paid the allowance on a pro-rata basis based on the hours of duty performed.

- 11.8** The composite surveillance allowance will count as salary for superannuation purposes where it is received on a regular basis, i.e. for a continuous period of more than 12 months or where it has been certified by the Secretary that the allowance is likely to be received continuously for at least 12 months. The surveillance allowance will not count as salary for any other purpose.

On call allowance

- 11.9** Where a designated NSU Employee is directed to be on call, the Employee will receive an on call allowance of \$20.80 for each 24 hour period, or part thereof, whilst on call.
- 11.10** This allowance is paid in lieu of any restriction allowance that would otherwise apply.

Additional annual leave for Sunday duty

- 11.11** Designated NSU Employees will receive up to one week of additional annual leave per year in recognition of Sunday duty in accordance with the annual leave provisions (clauses 4.12 to 4.15 of this Determination).

Part 12. Dispute resolution

12.1 If a dispute arises:

- (a) about any matters arising under this Determination, or
- (b) in relation to the NES,

this Part sets out procedures to settle the dispute.

12.2 A party to a dispute may appoint another person, organisation or association, including an Employee representative, to accompany and/or represent them for the purposes of this Part.

12.3 In the first instance, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the Employee or Employees concerned and the relevant Manager.

12.4 If discussions in clause 12.3 do not resolve the dispute, then the dispute must be referred to senior management for the purposes of further discussions to try to resolve the dispute.

12.5 If:

- (a) all appropriate steps able to be taken under clauses 12.3 and 12.4 have been taken, and
- (b) the dispute is not resolved,

a party to the dispute may refer the dispute to the Fair Work Commission.

12.6 The Fair Work Commission may deal with the dispute in 2 stages:

- (a) the Fair Work Commission will first attempt to resolve the dispute by mediation, conciliation, expressing an opinion or making a recommendation; and
- (b) if the Fair Work Commission is unable to resolve the dispute at the first stage, the Fair Work Commission may then:
 - (i) if the parties consent, arbitrate the dispute, and
 - (ii) make a determination that is binding on the parties.

12.7 If the parties consent to arbitration, then the Fair Work Commission may use the powers that are available to it under the *Fair Work Act 2009*.

12.8 A decision that the Fair Work Commission makes when arbitrating a dispute is a decision for the purpose of Division 3 of Part 5-1 of the *Fair Work Act 2009*. Therefore, an appeal may be made against the decision.

12.9 The parties agree to be bound by a determination made by the Fair Work Commission (including any appeal).

Status quo

- 12.10** While the parties are trying to resolve the dispute using the procedures in this Part:
- (a) an Employee must continue to perform his or her work in accordance with the reasonable direction of their Manager (without prejudice to the final outcome of the dispute); and
 - (b) if the Employee has a reasonable concern about an imminent risk to his or her health and safety, the Secretary may direct an Employee to perform other available work at the same workplace, or at another workplace, in order to ameliorate that concern.

Other matters

- 12.11** Solely for the avoidance of doubt, this Part does not apply to the following matters:
- (a) termination of, or a decision to terminate, employment;
 - (b) whether or not the Secretary has reasonable business grounds for refusing a request for flexible working arrangements under section 65 of the *Fair Work Act 2009*; and
 - (c) whether or not the Secretary has reasonable business grounds for refusing to extend unpaid leave beyond 52 weeks under section 76 of the *Fair Work Act 2009*.

Attachment A – Definitions

- A.1** ‘**Adoption**’ means to take on the legal responsibilities as a parent of a child that is not the Employee’s biological child. To qualify for adoption leave the child must be under 16 years of age and must not have lived continuously with the Employee for a period of 6 months or more on the day of placement, and is not a child of the Employee’s Partner.
- A.2** ‘**Agency, APS agency or Commonwealth agency**’ means an agency as defined in section 7 of the *Public Service Act 1999*.
- A.3** ‘**APS**’ means the Australian Public Service.
- A.4** ‘**ABF**’ means the Australian Border Force.
- A.5** ‘**Casual employee**’ means a Non-ongoing employee engaged for duties that are irregular or intermittent.
- A.6** ‘**De facto partner**’ means a person who, although not legally married to the Employee, lives with the Employee in a relationship as a couple on a genuine domestic basis (irrespective of gender).
- A.7** ‘**Department**’ means the Department of Home Affairs.
- A.8** ‘**Dependant**’ means the Employee’s spouse or De facto partner, a child, parent or aged relative of the Employee or the Employee’s spouse or De facto partner, who ordinarily lives with the Employee and who is totally or substantially dependent on the employee. Dependant can also include a child of the Employee who does not ordinarily live with the Employee but for whom the Employee provides substantial financial support.
- A.9** ‘**Deployment**’ means a movement undertaken for a temporary period (usually 12 months or less) to undertake specific duties in another Location from where the Employee resides.
- A.10** ‘**Determination**’ means this *Department of Home Affairs Workplace Determination 2019*.
- A.11** ‘**Employee**’ means an Ongoing employee or a Non-ongoing employee engaged under the *Public Service Act 1999*.
- A.12** ‘**Expense-related allowance**’ means each of the following allowances:
- (a) overtime meal allowance (clause 3.55)
 - (b) school holiday assistance (clause 5.29), or
 - (c) motor vehicle allowance (clause 9.26).
- A.13** ‘**Executive Level Employee**’ shall include, for the purposes of conferring entitlements under this Determination, Employees engaged in Medical Officer, Senior Legal Officer, Principal Legal Officer, Public Affairs Officer 3 and Senior Public Affairs Officer B and A positions.

- A.14** **‘Family or household’** means :
- (a) a former or current Partner, child, parent, grand-parent, grand-child or sibling of the Employee; or
 - (b) a child, parent, grand-parent, grand-child or sibling of a former or current Partner of the Employee; or
 - (c) a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the Employee belongs; or
 - (d) any person dependent on the Employee for care and support.
- A.15** **‘Full-time employee’** means an Employee working a standard working week of 37 hours and 30 minutes or average thereof.
- A.16** **‘Location’** or **‘Locality’** means a zone that encompasses all Department of Home Affairs installations in the geographical location where the Employee normally works. For the purposes of this Determination each capital city will be considered one discrete locality.
- A.17** **‘Manager’** means a supervisor, section head or team leader. For delegation and SAP HR workflow requirements, Managers are defined as Employees at or above the APS Level 6 classification (in some cases, Employees at the APS Level 4/APS Level 5 will have delegations due to supervisory responsibilities).
- A.18** **‘NES’** means the National Employment Standards at Part 2-2 of the *Fair Work Act 2009*.
- A.19** **‘Non-ongoing employee’** means a non-ongoing employee as defined in section 7 of the *Public Service Act 1999*.
- A.20** **‘Ongoing employee’** means an ongoing employee as defined in section 7 of the *Public Service Act 1999*.
- A.21** **‘Parliamentary Service’** means employment under the *Parliamentary Service Act 1999*.
- A.22** **‘Partner’** of an Employee is a spouse or De facto partner of the Employee.
- A.23** **‘Part-time employee’** means an Employee employed for less than a standard working week of 37 hours 30 minutes (or 75 hours per fortnight) or average thereof.
- A.24** **‘Permanent assignment’** means the Location at which an Employee resides to perform duties for the Department either for an undefined period or for more than three years. It does not include Employees on Temporary assignment, Deployment, Term transfer or Posting to a locality.
- A.25** **‘Permanent transfer’** means a permanent move to another location from where an Employee resides, through promotion or transfer at level.
- A.26** **‘Posting’** means a movement undertaken by a Border Force Officer for a fixed period (usually three years).

- A.27** ‘**Secretary**’ means the Secretary of the Department of Home Affairs or the person authorised by the Secretary as his/her delegate.
- A.28** ‘**Sworn ABF position**’ means a position occupied by an ABF employee who has made and subscribed an oath or affirmation under section 24 of the *Australian Border Force Act 2015* (Cth).
- A.29** ‘**Temporary assignment**’ means a movement undertaken by an Employee for a temporary period (usually 12 months or less) to undertake specific duties in another Location from where the Employee resides.
- A.30** ‘**Term transfer**’ means a movement undertaken by an Employee for a fixed period (usually 12 months or more) in another Location from where the Employee resides.
- A.31** ‘**Unpaid leave**’ means approved leave for which the Employee does not receive salary payments including unpaid personal leave, unpaid maternity leave, purchased leave and miscellaneous leave without pay.

Attachment B – Classification level and salary range

General salary table

For Employees other than Legal Officers, Public Affairs Officers, Medical Officers and Employees in training classifications

APS Classification level	Determined annual salary range		On commencement (includes 4% increase)	12 months from commencement (3%)
APS Level 1	Min	\$42,419	\$44,116	\$45,439
	Max	\$47,004	\$48,884	\$50,351
APS Level 2	Min	\$47,424	\$49,321	\$50,801
	Max	\$53,353	\$55,487	\$57,152
APS Level 3	Min	\$53,937	\$56,094	\$57,777
	Max	\$61,970	\$64,449	\$66,382
APS Level 4	Min	\$62,027	\$64,508	\$66,443
	Max	\$66,904	\$69,580	\$71,667
APS Level 5	Min	\$67,638	\$70,344	\$72,454
	Max	\$72,856	\$75,770	\$78,043
APS Level 6	Min	\$73,469	\$76,408	\$78,700
	Max	\$86,923	\$90,400	\$93,112
Executive Level 1	Min	\$92,801	\$96,513	\$99,408
	Max	\$108,833	\$113,186	\$116,582
Executive Level 2	Min	\$109,959	\$114,357	\$117,788
	Max	\$143,092	\$148,816	\$153,280

Legal Officers

Local Title/APS broadband classification	Determined annual salary/salary points		On commencement (includes 4% increase)	12 months from commencement (3%)
Legal Officer	APS 4	\$66,283	\$68,934	\$71,002
	APS 5	\$72,022	\$74,903	\$77,150
	APS 6	\$74,321	\$77,294	\$79,613
		\$78,054	\$81,176	\$83,611
		\$86,923	\$90,400	\$93,112
Senior Legal Officer	EL 1	\$98,564	\$102,507	\$105,582
		\$106,945	\$111,223	\$114,560
		\$118,000	\$122,720	\$126,402
Principal Legal Officer	EL 2	\$127,452	\$132,550	\$136,527
		\$135,272	\$140,683	\$144,903
		\$143,092	\$148,816	\$153,280

Public Affairs Officers

Local Title/APS broadband classification	Determined annual salary/salary points		On commencement (includes 4% increase)	12 months from commencement (3%)
Public Affairs Officer 1	APS 4	\$62,027	\$64,508	\$66,443
		\$66,736	\$69,405	\$71,487
	APS 5	\$67,638	\$70,344	\$72,454
		\$72,856	\$75,770	\$78,043
Public Affairs Officer 2	APS 6	\$76,188	\$79,236	\$81,613
		\$78,054	\$81,176	\$83,611
		\$80,442	\$83,660	\$86,170
		\$87,806	\$91,318	\$94,058
Public Affairs Officer 3	EL1	\$104,800	\$108,992	\$112,262
		\$106,945	\$111,223	\$115,560
		\$115,836	\$120,469	\$124,083
Senior Public Affairs Officer B	EL 2	\$114,697	\$119,285	\$122,864
		\$124,463	\$129,442	\$133,325
Senior Public Affairs Officer A	EL2	\$121,022	\$125,863	\$129,639
		\$132,057	\$137,339	\$141,459
		\$143,092	\$148,816	\$153,280

Medical Officers

Classification level	Determined annual salary/salary points	On commencement (includes 4% increase)	12 months from commencement (3%)
Medical Officer Class 2	\$116,580	\$121,243	\$124,880
	\$127,121	\$132,206	\$136,172
Medical Officer Class 3	\$130,311	\$135,523	\$139,589
	\$141,226	\$146,875	\$151,281
Medical Officer Class 4	\$147,664	\$153,571	\$158,178
	\$150,449	\$156,467	\$161,161
	\$161,970	\$168,449	\$173,502

Training Classifications

APS classification level	Determined annual salary/salary points		On commencement (includes 4% increase)	12 months from commencement (3%)
Trainee APS (Technical)	Min	\$42,419	\$44,116	\$45,439
	Max	\$47,004	\$48,844	\$50,351
Graduate APS	Min	\$53,937	\$56,094	\$57,777
	Max	\$61,970	\$64,449	\$66,382



Determination under subsection 24(1) of the *Public Service Act 1999*

Department of Home Affairs Determination 2022/01

I, Michael Pezzullo, Secretary of the Department of Home Affairs, acting under subsection 24(1) of the *Public Service Act 1999* (Cth), hereby make the following Determination.

Pezullo

Michael Pezzullo
Secretary
Department of Home Affairs

Date: *12 Dec 2022*

1. Citation

1.1 This Determination may be cited as Department of Home Affairs Determination 2022/01.

2. Definitions

2.1 In this Determination:

- (a) **Department** means the Department of Home Affairs, including the Australian Border Force.
- (b) **Employee** means a non-SES employee who is employed in the Department:
 - (i) under the PS Act; and
 - (ii) covered by the Workplace Determination.
- (c) **FW Act** means the *Fair Work Act 2009* (Cth).
- (d) **PS Act** means the *Public Service Act 1999* (Cth).
- (e) **Workplace Determination** means the *Department of Home Affairs Workplace Determination 2019*.

3. Application

3.1 This Determination applies to all non-SES employees employed in the Department under the PS Act and covered by the Workplace Determination.

3.2 This Determination applies in addition to the Workplace Determination.

4. **Previous Determination revoked and replaced**

4.1 This Determination:

- (a) revokes the *Department of Home Affairs Determination 2020/01* on and from the date this Determination commences; and
- (b) does not affect the operation of *Department of Home Affairs Determination 2020/01* on any date prior to the date this Determination commences, consistent with paragraph 5.2 of the *Department of Home Affairs Determination 2020/01*.

5. **Purpose**

5.1 The purpose of this Determination is to provide Employees with increases to their existing salary (and specified allowances) of 3% on 9 February 2023, instead of the 2% increase planned on under *Department of Home Affairs Determination 2020/01*.

6. **Period of Operation and Scope**

6.1 This Determination commences on the date that it is signed by the Secretary and continues in force until whichever of the following occurs first:

- (a) the Workplace Determination is replaced by another workplace determination or an enterprise agreement that applies to the Employees and commences operation in accordance with the FW Act; or
- (b) this Determination is replaced by another determination made under subsection 24(1) of the PS Act that:
 - (i) applies to the Employees; and
 - (ii) expressly revokes this Determination.

6.2 For the avoidance of doubt, any increases to salary or allowances which have already been paid to employees in accordance with this Determination will be maintained in circumstances where this Determination ceases to operate.

7. **Salaries and Allowances**

7.1 Employees will receive a 3% salary increase on and from 9 February 2023.

7.2 The salaries that will apply to Employees in accordance with this Determination are specified in Schedule 1 of this Determination.

7.3 Allowances specified in Schedule 2 of this Determination will increase on and from 9 February 2023, as set out in Schedule 2.

7.4 Unless referred to in Schedule 2, allowances included in the Workplace Determination continue to be payable at the rate and under the circumstances stated in the Workplace Determination.

7.5 The increases to salaries and allowances provided by this Determination will be paid on the first pay date after 9 February 2023.

7.6 For superannuation purposes, the fortnightly contribution salary referred to in clause 2.19 of the Workplace Determination will be calculated on the salary increases set out in this Determination.

8. **Entitlements under Commonwealth laws not affected by this Determination**

8.1 This Determination operates in conjunction with all relevant Commonwealth Acts, including regulations and instruments made under those Acts.

Schedule 1 - Salary increases

Each Table below specifies:

- the pay rate as at 9 February 2022 under the *Department of Home Affairs Determination 2020/01* which continues to apply under this Determination on and from commencement, and
- the rate which will apply on and from 9 February 2023.

General Salary Table

APS Classification Level	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
APS Level 1	Min	\$47,439 ¹	\$48,862
	Max	\$52,385	\$53,957
APS Level 2	Min	\$52,853	\$54,439
	Max	\$59,461	\$61,245
APS Level 3	Min	\$60,112	\$61,915
	Max	\$69,064	\$71,136
APS Level 4	Min	\$69,127	\$71,201
	Max	\$74,562	\$76,799
APS Level 5	Min	\$75,381	\$77,642
	Max	\$81,196	\$83,632
APS Level 6	Min	\$81,879	\$84,335
	Max	\$96,873	\$99,779
Executive Level 1	Min	\$103,424	\$106,527
	Max	\$121,292	\$124,931
Executive Level 2	Min	\$122,547	\$126,223
	Max	\$159,473	\$164,257

¹ Including an existing increase to match the equivalent rate in the *Australian Public Service Enterprise Award 2015* which took effect on 1 July 2022 (PR740813).

Legal Officers

Local Title/APS broadband classification	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
Legal Officer	APS 4	\$73,870	\$76,086
	APS 5	\$80,267	\$82,675
	APS 6	\$82,829	\$85,314
		\$86,989	\$89,599
		\$96,873	\$99,779
Senior Legal Officer	EL1	\$109,848	\$113,143
		\$119,188	\$122,764
		\$131,509	\$135,454
Principal Legal Officer	EL 2	\$142,043	\$146,304
		\$150,757	\$155,280
		\$159,473	\$164,257

Public Affairs Officers

Local Title/APS broadband classification	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
Public Affairs Officer 1	APS 4	\$69,127	\$71,201
		\$74,375	\$76,606
	APS 5	\$75,381	\$77,642
		\$81,196	\$83,632
Public Affairs Officer 2	APS 6	\$84,910	\$87,457
		\$86,989	\$89,599
		\$89,651	\$92,341
		\$97,858	\$100,794
Public Affairs Officer 3	EL 1	\$116,797	\$120,301
		\$120,228	\$123,835
		\$129,096	\$132,969
Senior Public Affairs Officer B	EL 2	\$127,827	\$131,662
		\$138,711	\$142,872
Senior Public Affairs Officer A	EL 2	\$134,877	\$138,923
		\$147,174	\$151,589
		\$159,473	\$164,257

Medical Officers

Classification Level	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
Medical Officer Class 2	\$129,926	\$133,824
	\$141,673	\$145,923
Medical Officer Class 3	\$145,229	\$149,586
	\$157,393	\$162,115
Medical Officer Class 4	\$164,569	\$169,506
	\$167,672	\$172,702
	\$180,511	\$185,926

Training Classifications

APS classification level	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
Trainee APS (Technical)	Min	\$49,747 ²	\$51,239
	Max	\$52,385	\$53,957
Graduate APS	Min	\$60,112	\$61,915
	Max	\$69,064	\$71,136

² Including an existing increase to match the equivalent rate in the *Australian Public Service Enterprise Award 2015* which took effect on 1 July 2022 (PR740813).

Schedule 2 - Allowance increases

Each Table below specifies:

- the allowance rate as at 9 February 2022 under the *Department of Home Affairs Determination 2020/01* which continues to apply under this Determination on and from commencement, and
- the allowance rate which will apply on and from 9 February 2023.

CATO and CFI allowance (\$ per fortnight)

	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
1 to 3 technologies	\$40.58	\$41.80
4 to 6 technologies	\$46.38	\$47.77
7 or more technologies	\$52.17	\$53.74

Cold work allowance (\$ per hour)

	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
Cold work: -1° to +7°	\$0.84	\$0.87
Cold work: -2° to -18°	\$1.19	\$1.23
Cold work: -18° or below	\$1.96	\$2.02

Community language allowance

R�te	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
Level 1 - Qualification / Standard		
a) National Accredited Authority for Translators and Interpreters (NAATI) Language Aide Test; or b) Recognised level of competency to deliver client services for languages in which NAATI does not test		
Level 1 (\$ per annum)	\$1,108	\$1,141

Level 2 - Qualification / Standard		
a) NAATI Para-professional interpreter and higher; or b) Recognised tertiary qualification in interpreting; or c) Recognised level of competency to deliver client services in Aboriginal Torres Strait Islander (ATSI) languages; or d) Recognised Auslan qualification		
Level 2 (\$ per annum)	\$2,216	\$2,282

Confined space allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per hour	\$1.02	\$1.05

Container examination facility composite allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$311	\$320

Departmental liaison officer allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$22,793	\$23,477

Dirty or offensive work disability allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per hour	\$0.86	\$0.89

District Allowance

Grade	District Allowance				Additional Leave
	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)		
	Without Dependants \$ per annum	One or more Dependants \$ per annum	Without Dependants \$ per annum	One or more Dependants \$ per annum	
1	\$1,733	\$2,909	\$1,785	\$2,996	2 days
2	\$4,580	\$8,604	\$4,717	\$8,862	3 days
3	\$7,427	\$11,451	\$7,650	\$11,795	5 days
4	\$9,563	\$18,569	\$9,850	\$19,126	7 days

Escort duty allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per trip	\$569	\$586
\$ per day away	\$214	\$220

Operational safety trainer (OST) and operational capability trainer (OCT) allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$5,797	\$5,971

Self-contained breathing apparatus allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$892	\$919

Uniform allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (1.8%)
\$ per annum	\$307	\$313

Use of force allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$2,448	\$2,521

Workplace responsibility allowance

\$ per year / Minimum current qualification	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
Level 2 First Aid - Senior First Aid	\$598	\$616
Level 3 First Aid or higher qualification	\$734	\$756
Other workplace responsibility	\$370	\$381

Allowances specific to marine employees

Marine Accommodation Allowance

Rate \$ per night	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
Category A	\$62.04	\$63.90
Category B	\$39.93	\$41.13
Category C	\$20.06	\$20.66

Operational safety trainer allowance

Rate	Pay Rate as at 9 February 2022	Effective from 9 February 2023 (3%)
\$ per annum	\$693.38	\$714.18

Southern Ocean operations allowance

Rate \$ per day	Pay Rate as at 9 February 2020	Effective from 9 February 2023 (3%)
Sea-going vessel	\$209.09	\$215.36
Foreign vessel when undertaking boarding activity	\$209.09	\$215.36
Foreign vessel	\$139.00	\$143.17



OFFICIAL

Breastfeeding in the workplace

Procedural Instruction

Document ID (PPN)	HR-2112
TRIM Record Number	ADD2022/3153329
BCS Function	Human Resources
Document Owner	Assistant Secretary People Services Branch, People and Culture Division
Approval Date	9 November 2022
Document Contact	Culture, Diversity and Inclusion Section, s22(1) @homeaffairs.gov.au

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Table of Contents

1. Purpose	3
2. Scope	3
3. Procedural Instruction	3
3.1. Australian Breastfeeding Association standards	3
3.2. Lactation break overview	4
3.3. Unpaid lactation breaks	4
3.4. Lactation break arrangements	5
3.5. Flexible working arrangements	5
3.6. Breastfeeding and expressing facilities	5
3.7. Safe storage of EBM	6
3.8. Room bookings	6
3.9. COVID-19 protocol including physical distancing	6
4. Statement of Expectation	Error! Bookmark not defined.
4.1. Directions	Error! Bookmark not defined.
5. Accountabilities and Responsibilities	6
6. Version Control	8
Attachment A – Definitions	10
Attachment B – Assurance and Control Matrix	11
1.1 Powers and Obligations	11
1.2 Controls and Assurance	11
Attachment C – Consultation	12
1.1 Internal Consultation	12
1.2 External Consultation	12
Attachment D – Lactation Break Arrangement Template	13

1. Purpose

The Department of Home Affairs (the Department) is committed to being an employer that values and supports a diverse and inclusive workforce.

The Department has a range of workplace initiatives to support staff in managing their breastfeeding needs while at work. This includes access to breastfeeding and expressing facilities, flexible working arrangements and lactation breaks. These initiatives are consistent with the recommendations of the Australian Breastfeeding Association (ABA), which provides guidance to employers for implementing breastfeeding friendly practices in the workplace.

2. Scope

This Procedural Instruction outlines:

- lactation breaks and arrangements
- flexible working arrangements
- breastfeeding facilities and room provisions
- storage of expressed breast milk
- responsibilities of staff and stakeholders.

The Procedural Instruction applies to all Immigration and Border Protection workers (or 'IBP workers') as defined in section 4 of the Australian Border Force Act 2015 (ABF Act). This term includes:

- all APS employees in the Department
- secondees from other government agencies, foreign governments or international bodies
- other persons authorised to be an 'officer of Customs' under the Customs Act 1901 or an 'officer' under the Migration Act 1958
- contractors and consultants, and their employees and subcontractors, who are:
 - performing services 'in-house' (that is physically located in premises that are owned, managed, controlled, leased, contracted by or operated by the Department); or
 - otherwise performing services that require non-public access to Department Assets.

3. Procedural Instruction

3.1. Australian Breastfeeding Association standards

There are many elements to be considered when a mother returns to work after maternity leave, such as how they will manage to continue breastfeeding their baby and fulfil work commitments. It is therefore essential that the Department provides appropriate support, so staff who are breastfeeding can successfully combine breastfeeding and work. To assist the breastfeeding staff member in feeling supported, managers should apply this policy in a flexible way.

In developing this Procedural Instruction, the Department has consulted with the ABA to ensure content is consistent with their breastfeeding policy recommendations.

The key elements of support that the ABA recommends for breastfeeding staff are:

- a private, comfortable **space** to breastfeed or express breastmilk
- **time** during the working day to breastfeed or express
- **support** from your employer and colleagues.

The Department will endeavour to meet the ABA's recommended breastfeeding standards, where reasonably practical, to ensure breastfeeding staff have access to adequate facilities, provisions, break time and support.

Integrating breastfeeding support into workplace culture is evidence-based best practice. Benefits include: increasing staff retention rates, lowering absenteeism, reducing recruitment costs, retaining valuable corporate knowledge, as well as improving staff morale and health.

For more information about the ABA, see <https://www.breastfeeding.asn.au/>.

3.2. Lactation break overview

Lactation breaks are available for breastfeeding staff during a standard working day for the following reasons:

- the expression and storage of expressed breast milk (EBM)
- breastfeeding child either in the workplace or at an off-site location.

The frequency that is needed to breastfeed or express is determined by the individual's needs and the age of the child—for example, the younger the child, the more frequently the need to breastfeed or express.

Breastfeeding staff may use the following breaks or leave arrangements to breastfeed or express during a standard working day:

- standard unpaid meal break, such as a lunch break
- unpaid lactation break (refer to section 4.3)
- accrued time off, such as flextime or time off in lieu (TOIL)
- job share arrangements
- other flexible working arrangements, such as flexible hours, patterns or rostering, and graduated return to work hours.

3.3. Unpaid lactation breaks

The Department provides full-time staff and staff on variable working hours who work more than four hours a day access to a one-hour unpaid lactation break per day. This one-hour period can be broken up throughout the day as needed, for example, some women may require several smaller breaks during the day rather than a full one-hour break.

Part-time staff and staff on variable working hours who work less than four hours a day, have access to an unpaid lactation break of 30 minutes per day. This 30-minute period can again be broken up throughout the day as needed.

Staff may choose to take their lactation breaks away from the work site. For example, to travel to a childcare centre or home to feed their child. In these circumstances, the time taken to travel to the off-site location and back to the workplace, must be included in the lactation break period and noted in any lactation break agreement they may have entered into with their manager (refer to section 3.4).

3.4. Lactation break arrangements

The timing of lactation breaks can be negotiated between the staff member and their manager, unless taken during a standard unpaid break, such as a meal break. When negotiating lactation breaks, consideration should be given to the individual's breastfeeding needs as well as the operational requirements of the work area.

Staff who utilise unpaid lactation breaks must fulfil their standard working hours, whether this be full-time, part-time or variable working hours. For example, a full-time staff member who takes a full one-hour lactation break during the work day, must still work their standard hours of 7 hours and 30 minutes.

Lactation break arrangements may be recorded in writing using the template provided at **Appendix D** or less formally if mutually agreed. The template is an example only and is not a mandatory requirement, but might be a useful management tool. The staff member and manager should discuss what arrangements can be put in place first and once agreement is reached on how best to maintain the arrangement over time, agree to record the arrangement in a form such as **Appendix D** if necessary. There will be a need for mutual understanding that any recorded arrangement will not always align with the physical demands of a staff member or their child.

It is recommended that lactation break arrangements be reviewed regularly and at least every three months, as breastfeeding needs change as the child gets older.

As with any unpaid break, lactation breaks must be recorded in staff flex-sheets (for APS levels 1–6) or work schedules/diaries (for Executive Level staff and shift workers). If lactation breaks are taken during a standard unpaid meal break, only the meal break should be recorded.

3.5. Flexible working arrangements

All staff are eligible to access flexible working arrangements subject to the approval by their manager and taking into consideration the operational requirements of the work area.

For more information on flexible working arrangements under the *Fair Work Act 2009*, see the [Flexible working arrangements Procedural Instruction](#), the [Fair Work Ombudsman](#) or the [Department of Home Affairs Workplace Determination 2020/01](#).

3.6. Breastfeeding and expressing facilities

The Department has Diversity rooms in most of its major workplaces, which breastfeeding staff can access while at work. These facilities are equipped with provisions to support staff with their breastfeeding and expressing needs.

Diversity rooms are single use rooms and are to only be used by one staff member at a time. It is therefore recommended that staff book a Diversity room to ensure availability.

In workplaces that do not have a diversity room, it is the manager's responsibility to ensure breastfeeding staff have a suitable alternative arrangement.

In circumstances where there are no suitable breastfeeding facilities available in a workplace, it is the responsibility of the manager to take reasonable steps to find appropriate alternative arrangements for breastfeeding staff. This may include the temporary movement of a staff member to a workplace with suitable facilities.

In these circumstances, staff should seek advice from their immediate manager, who may need to escalate this matter to the appropriate business area or a senior manager for further advice and assistance.

Under the *Sex Discrimination Act 1984* (Cth), it is against the law to discriminate, directly or indirectly, against an employee who is breastfeeding. Breastfeeding is a protected ground of discrimination. Making an

employee feel uncomfortable about breastfeeding, or not providing adequate facilities or breaks, may constitute discrimination. It may also be a breach of work health and safety laws.

For information on breastfeeding facilities, locations and room provisions, see the Department's *Diversity Facilities Procedural Instruction*.

3.7. Safe storage of Expressed Breast Milk

A refrigerator is necessary in order to keep expressed breast milk (EBM) at a safe temperature until the staff member is able to take it home. Where there is no refrigerator in designated breastfeeding facilities, a communal refrigerator such as one in a staff kitchen can be used.

All EBM stored in communal workplace refrigerators should be in individual storage containers appropriately labelled by the breastfeeding staff member, with their name, date and phone number, to ensure no mix-ups or accidental use occurs. These EBM containers should then be placed in a separate container, such as a lunch box, to ensure no cross contamination occurs.

Please note: EBM is not to be stored in a first aid room refrigerator or freezer.

For further information on expressing techniques and the proper storage of EBM, see the ABA's website on [Expressing and storing breastmilk](#) or email info@breastfeeding.asn.au.

3.8. Room bookings

Diversity rooms can be booked through the calendar in Microsoft Outlook.

To ensure rooms are booked effectively staff need to:

- create a new meeting request
- invite the room to the meeting
- enter the purpose of the booking in the title (for example breastfeeding)
- ensure room bookings are cancelled if no longer required.

3.9. COVID-19 protocol including physical distancing

Staff are required to adhere to the current guidelines regarding COVID-19 in their state or territory. These may include physical distancing, personal hygiene and wiping down of all surfaces and equipment used in the Diversity rooms before and after use. See [Fact Sheet: Good hygiene in the workplace](#).

4. Accountabilities and Responsibilities

Role	Description
The Department	The Department will make reasonable efforts to support breastfeeding staff by: <ul style="list-style-type: none">• providing suitable breastfeeding facilities and provisions as described in this Procedural Instruction and the supporting Diversity Facilities Procedural Instruction

OFFICIAL

Role	Description
	<ul style="list-style-type: none"> • providing flexible working arrangements for staff, as outlined in the Department's current <u><i>Department of Home Affairs Workplace Determination 2020/01</i></u>, providing staff with a professional and confidential counselling service through the <u><i>Employee Assistance Program</i></u> • complying with relevant legislation (that staff must work in accordance with), such as the Public Service Act 1999, Sex Discrimination Act 1984 and the Fair Work Act 2009 providing a <u><i>Professional Standards and Integrity Framework</i></u> that sets out the standards of integrity and ethical behaviour required by all staff of the Department.
Staff	<ul style="list-style-type: none"> • In accordance with this Procedural Instruction, staff are responsible for discussing flexible working arrangements with their manager, prior to maternity leave and/or commencing lactation breaks • negotiating lactation break arrangements with their manager • discussing changes in circumstances affecting lactation break arrangements with their manager • correctly recording lactation break times on flex sheets or work schedules/diaries • full care and safety of dependent(s) while in the workplace, including not leaving dependant(s) unattended in the workplace at any time and escorting dependant(s) to the bathroom. It should be noted that diversity facilities are not 'child-proof'. Therefore, supervision is required at all times. • ensuring noise levels are acceptable when using breastfeeding facilities • correctly storing EBM in appropriate and labelled containers • personal property brought into the workplace—the Department will not be responsible for loss or theft of personal property • ensuring electrical equipment brought into the workplace is safe and in good working condition (including a good state of repair) — such as breastfeeding pumps/equipment. If staff are unsure of what 'good working condition' or 'good state of repair' entails, it is their responsibility to have the equipment tested and tagged or replaced • making every reasonable effort to balance their individual needs with their work requirements • ensuring the proper use of breastfeeding facilities as described in the Department's Diversity Facilities Procedural Instruction and in conjunction with COVID-19 protocols.
Culture, Diversity and Inclusion Section	<p>In accordance with this Procedural Instruction, the Culture, Diversity and Inclusion Section is responsible for:</p> <ul style="list-style-type: none"> • providing guidance and advice to breastfeeding staff, managers and stakeholders

Released by Department of Home Affairs under the Freedom of Information Act 1982

Role	Description
	<ul style="list-style-type: none"> working collaboratively with other business areas who have responsibilities in managing breastfeeding in the workplace updating the Procedural Instruction at the annual review date, or earlier if required, to ensure currency of information updating the Department's MyHR support page on breastfeeding in the workplace to ensure currency of information addressing any complaints or concerns about the facilities, and where possible, seek to resolve the issue escalating allegations of breaches of the APS Code of Conduct relating to the use of diversity facilities, provisions or employee entitlements, to the Integrity and Professional Standards Branch.
Property and Major Contracts Division	<p>In accordance with this Procedural Instruction, Branches that fall within the Procurement, Property and Contracts Division are responsible for:</p> <ul style="list-style-type: none"> working collaboratively with relevant business areas to ensure that breastfeeding facilities meet the requirements of this Procedural Instruction funding of room provisions to support breastfeeding staff, as outlined in Appendix A of the Diversity Facilities Procedural Instruction repairs and maintenance of all furniture, equipment and provisions working collaboratively with the Culture, Diversity and Inclusion Section on an annual audit of Diversity Facilities to ensure the Department provides suitable provisions for breastfeeding staff accommodation planning for the inclusion of breastfeeding facilities in building upgrades, and where there are currently inadequate facilities or no facilities available in a workplace site accommodation planning for the inclusion of breastfeeding facilities in all future workplace sites.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	June 2017	s22(1)(a)(ii)	Original approved by AS Ben Wyers
2.0	June 2018	s22(1)(a)(ii)	Annual review
3.0	June 2019	s22(1)(a)(ii)	Annual review
4.0	August 2021	s22(1)(a)(ii)	Annual review

OFFICIAL

Version number	Date of issue	Author(s)	Brief description of change
5.0	November 2022	s22(1)(a)(ii)	Annual review

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Australian Breastfeeding Association	ABA	The ABA is an Australian organisation that provides support, information and assistance to breastfeeding families.
Breastfeeding		Breastfeeding is the process of feeding breast milk to a child, either directly from the breast or by expressing (pumping out) the milk from the breast and either bottle, syringe or cup-feeding it to the child.
Employer		The Department of Home Affairs
Expressed breast milk	EBM	Breast milk that has been expressed, commonly by pumping, to be stored and fed to a child at a later point in time.
Flextime		Refer to the Department's current <i>Department of Home Affairs Workplace Determination 2019</i> .
Lactation		The production of breast milk.
Staff		All Immigration and Border Protection workers (or 'IBP workers') as defined in section 4 of the <i>Australian Border Force Act 2015</i> (ABF Act).
Time off in lieu	TOIL	Refer to the Department's current <i>Department of Home Affairs Workplace Determination 2019</i> .

Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Sex Discrimination Act 1984	Section 7AA	Discrimination on the ground of breastfeeding	No	

1.2 Controls and Assurance

Related Policy	Nil
Procedures / Supporting Materials	Diversity Facilities - Procedural Instruction (HR-4788)
Training/Certification or Accreditation	No specialist training required
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Advice can be provided by the Culture, Diversity and Inclusion Section. Queries can be submitted to s22(1)@homeaffairs.gov.au .
Escalation arrangements	Escalation of concerns or issues regarding the document can be sent to the Director Culture, Diversity and Inclusion Section via s22(1)@homeaffairs.gov.au marked to the attention of the Director in the subject heading.
Recordkeeping (e.g. system based facilities to record decisions)	All records regarding the document are saved in TRIM.
Program or Framework (i.e. overarching Policy Framework or Business Program)	People Strategy 2025
Job Vocational Framework Role	This PI applies to all job roles within the Department.

Released by Department of Home Affairs under the Freedom of Information Act 1982

Attachment C – Consultation

1.1 Internal Consultation

- Governance and Evaluation Branch
- Information Management Branch
- Integrity and Professional Standards Branch
- People Management Branch and Enterprise Agreement Task Force
- Property and Commercial Services Branch
- National Staff Consultative Forum
- Civil, Commercial and Employment Law Branch
- Risk and Assurance Branch
- Operational Support Branch
- Privacy and Records Management Branch

1.2 External Consultation

- Australian Breastfeeding Association
- Department of Employment
- Department of Finance
- Department of Social Services
- Fair Work Ombudsman

Attachment D – Lactation Break Arrangement Template

Staff member's name: _____

Section name: _____

Position description: _____

Phone: _____

Email: _____

Manager's name: _____

Position description: _____

Phone: _____

Email: _____

Lactation break

Commencement date: _____

Lactation break entitlement: _____

**one-hour or 30-minutes depending on hours worked/day*

Proposed lactation break(s) to be taken

Time of break(s): _____

Length of break(s): _____

Work day(s): _____

Are lactation breaks to be taken off site? Yes No Both

If yes, are the lactation breaks to be combined with meal breaks? Yes No

Issues or concerns discussed:

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Complete one of the following:

1. Arrangement approved. Review in _____ months.
2. Trial of proposed working arrangements approved for _____ months with reference to any issues or concerns discussed.

Staff member's
signature:

Date:

Manager's signature:

Date:

Released by Department of Home Affairs
under the Freedom of Information Act 1982



OFFICIAL

Allowances

Procedural Instruction

Document ID (PPN)	HR-2108
TRIM Record Number	ADD2023/7046379
BCS Function	Human Resources Management
Document Owner	Assistant Secretary, Workplace Relations and Enterprise Agreement
Approval Date	29 March 2021
Document Contact	Support Connect Portal

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Table of Contents

1. Purpose	3
2. Scope	3
2.1. In scope	3
2.2. Out of scope	3
3. Procedural Instruction	3
3.1 General principles	3
3.2 Payment of allowances on leave	4
3.3 Allowances and superannuation	4
3.4 Competency Assessment and Training Officer and Custodial Firearms Instructor allowance	4
3.5 Cold work allowance	6
3.6 Community language allowance	7
3.7 Confined space allowance	10
3.8 Container examination facilities composite allowance	11
3.9 Departmental liaison officer allowance	12
3.10 Dirty or offensive work disability allowance	12
3.11 Escort duty allowance	13
3.12 Operational safety trainer/operational capability trainer allowance	14
3.13 Overtime meal allowance	14
3.14 Professional membership and accreditation expenses	15
3.15 Restriction allowance	15
3.16 School holiday assistance	17
3.17 Self-contained breathing apparatus (SCBA) allowance	18
3.18 Temporary relocations	19
3.19 Uniform allowance	19
3.20 Use of Force allowance	20
3.21 Workplace responsibility allowance	21
4. Accountabilities and Responsibilities	24
5. Version Control	25
Attachment B – Assurance and Control Matrix	28
1.1. Powers and Obligations	28
1.2. Controls and Assurance	28
Attachment C – Consultation	30
1.1 Internal consultation	30
1.2 External consultation	30
Attachment D – Allowances - Long Service Leave and Superannuation	31

1. Purpose

- 1.1. This Procedural Instruction (PI) provides guidance on allowances that are available to eligible employees under the [Department of Home Affairs Workplace Determination 2019](#) (the WD) and the [Department of Home Affairs Determination 2022/01](#).

2. Scope

2.1. In scope

- 2.1.1. This PI applies to all employees of the Department of Home Affairs (the Department), including the Australian Border Force (the ABF), but excluding the Senior Executive Service (SES).

2.2. Out of scope

- 2.2.1. This PI does not provide details on:
- higher duties allowance (HDA). Refer to the [Higher Duties - Procedural Instruction \(HR-2138\)](#)
 - district allowances. Refer to the [Domestic Relocations and Remote Conditions - Procedural Instruction \(HR-2120\)](#)
 - allowances for sea-going marine employees. Refer to the [Marine Unit Salary Payments and Allowances - Procedural Instruction \(HR-6729\)](#)
 - allowances for National Surveillance Unit employees. Refer to the [National Surveillance Unit Conditions - Policy Statement \(HR-3599\)](#)
 - travel allowances. Refer to the [Official Travel - Policy Statement \(FM-6382\)](#)
 - financial assistance relating to study. Refer to the [Studies Assistance - Procedural Instruction \(HR-2178\)](#).
 - eligibility to become a Health and Safety Representative. Refer to the [Health and Safety Representatives – Procedural Instruction \(HR-3143\)](#).

3. Procedural Instruction

3.1 General principles

- 3.1.1. Employees have primary responsibility for ensuring they only apply for and receive the allowances they are entitled to.
- 3.1.2. Where an employee is no longer eligible for an allowance (for example, they lose a mandatory qualification, move positions, change work areas or move locations), they must immediately advise Payroll Services via the [Support Connect Portal](#) to arrange for the allowance to be ceased.
- 3.1.3. Any allowance paid to an employee which they should not be receiving is considered an overpayment. This will be recovered consistent with the recovery of overpayments provisions under the WD and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).
- 3.1.4. Delegation for the payment or reimbursement of allowances is in accordance with the [HR Delegations](#).

3.2 Payment of allowances on leave

- 3.2.1 Allowances will generally continue to be paid to eligible employees while on paid leave, unless otherwise stated. However, those allowances will not be paid during periods of unpaid leave unless otherwise specified in the [WD](#), provided for in legislation, or agreed by the delegate.
- 3.2.2 These legislative instruments provide specific conditions about the payment of allowances while on leave:
- [Long Service Leave \(Commonwealth Employees\) Regulations 2016](#) (LSL Regulations) prescribe whether allowances in certain categories are payable during LSL.
 - [Maternity Leave \(Commonwealth Employees\) Act 1973](#) provides that where an allowance is payable during personal leave, it is payable during paid maternity leave.
 - [Safety, Rehabilitation and Compensation Act 1988](#) specifies whether an allowance is payable during periods of compensation leave.
- 3.2.3 The table at clause 5.2 of the [WD](#) provides details on whether an allowance will be paid on LSL, unless otherwise provided for in legislation. The LSL Regulations override the provisions outlined in clause 5.2 of the [WD](#); and information about payment of allowances while on LSL is provided at [Attachment D – Allowances - Long Service Leave and Superannuation](#) of this PI.

3.3 Allowances and superannuation

- 3.3.1 As outlined at clause 5.2 of the [WD](#), the table provides details on whether allowances will count as salary for superannuation, unless otherwise provided for in legislation. Relevant superannuation legislation overrides the provisions outlined in clause 5.2 of the [WD](#); and the treatment of allowances for fortnightly contributions salary (FCS) purposes and ordinary time earnings (OTE) is provided at [Attachment D – Allowances - Long Service Leave and Superannuation](#) of this PI.
- 3.3.2 All payments of allowances by way of reimbursement (e.g. school holiday assistance, professional memberships) do not count as salary for superannuation.

3.4 Competency Assessment and Training Officer and Custodial Firearms Instructor allowance

- 3.4.1 This allowance is paid to employees who hold certification to train and assess other employees in using specified operational technologies and/or custodial firearms.
- 3.4.2 The allowance is payable when all of the following eligibility criteria have been met:
- the employee is recognised by their work area as voluntarily performing a Competency Assessment and Training Officer (CATO) and/or Custodial Firearms Instructor (CFI) role (currently named Custodial Firearms Safety and Handling Instructor).
 - the employee is required by, and has obtained approval from their EL2 manager to undertake this role
 - the employee holds and maintains the relevant certification in the operational technologies
 - the employee holds and maintains the required qualification to train and assess other employees in the workplace (e.g. Certificate IV in Training and Assessment).
- 3.4.3 Failure to maintain the above eligibility requirements, or the loss of any relevant qualification will result in cessation of the allowance.

OFFICIAL

- 3.4.4 Employees will be given 90 days to requalify from the nominal date of expiry of the relevant operational technology certification. The allowance will be ceased after the 90-day period if the employee has not requalified.

Payment of CATO/CFI allowance

- 3.4.5 The allowance will be paid fortnightly based on a tiered structure in accordance with the number of specified operational technologies the CATO and/or CFI is required to train and assess. The amount for each tier is listed in the table below:

Operational technologies	Pay rate as at 8 February 2020 \$ per fortnight	Effective from 9 February 2021 (2%) (deferred until 9 August 2021) \$ per fortnight	Effective from 9 February 2022 (2%) \$ per fortnight	Effective from 9 February 2023 (3%) \$ per fortnight
1 to 3 technologies	\$39.00	\$39.78	\$40.58	\$41.80
4 to 6 technologies	\$44.58	\$45.47	\$46.38	\$47.77
7 or more technologies	\$50.15	\$51.15	\$52.17	\$53.74

- 3.4.6 For the purposes of the allowance, technology is defined as *the* particular individual detection tool used by work areas across the Department, including the ABF.
- 3.4.7 For the purpose of this allowance the role of CFI counts as one technology.
- 3.4.8 Technical specifications regarding training and assessment of qualifications for CATO allowance will be determined by Operational Capability Branch, who have implemented a nationally consistent approach to the use of operational detection and identification technologies throughout the Department.
- Refer to the [Detection and Identification Technology Training Requirements - Procedural Instruction \(TI-4858\)](#) for further information.
- 3.4.9 Technical requirements for the role of CFSH Instructors will be determined by Operational Readiness Branch.
- Refer to the Authorised Arms Issuing Officer (AAIO), Armoury Registrar and Custodial Firearms Safety and Handling (CFSH) Training Requirements – Procedural Instruction (BC-7017) for further information.
- 3.4.10 Technical requirements for the role of Firearm Safety Testing Officer (FSTO) Trainer will be determined by ABF Workforce Capability Branch.
- 3.4.11 The allowance will be payable during all paid leave.

How to apply for CATO/CFI allowance

- 3.4.12 Employees should submit their request for payment of the allowance through the [Support Connect Portal](#) with Superintendent/EL2 approval. The following information should be provided in support of the request:
- confirmation that they are recognised as performing a CATO and/or CFI role on a volunteer basis and are undertaking these duties in addition to their normal duties in the work area
 - a copy of the certification in the operational technology and the training and assessment qualification.

- 3.4.13 Employees should also follow the above process to make a new request where there are changes to the rate of allowance the employee is eligible to receive, for example, where they gain a new qualification and are required to perform training and assessment in the relevant technology.
- 3.4.14 Employees will need to reapply for the allowance, including provision of supporting information, through the Support Connect Portal every 12 months from the date of approval.

3.5 Cold work allowance

- 3.5.1 Cold work allowance is payable to employees who are required to perform duty in a place where the temperature is reduced by artificial means to seven degrees Celsius or below.
- 3.5.2 The allowance is not payable to employees who work at a container examination facility (CEF) who are in receipt of CEF composite (CEFC) allowance.

Payment of cold work allowance

- 3.5.3 Payment of this allowance is specified in the table below:

Temperature	Pay rate as at 8 February 2020 \$ per hour	Effective from 9 February 2021 (2%) <i>(deferred until 9 August 2021)</i> \$ per hour	Effective from 9 February 2022 (2%) \$ per hour	Effective from 9 February 2023 (3%) \$ per hour
Cold work: -1° to +7°	\$0.80	\$0.82	\$0.84	\$0.87
Cold work: -2° to -18°	\$1.15	\$1.17	\$1.19	\$1.23
Cold work: -18° or below	\$1.88	\$1.92	\$1.96	\$2.02

- 3.5.4 Payment of this allowance will only be in hourly blocks and will be paid at the same rate for both full-time and part-time employees.
- 3.5.5 This allowance is not paid to employees while they are on paid leave.

Applying for the cold work allowance

- 3.5.6 Employees should submit their request for payment of this allowance through the [Support Connect Portal](#) with their Superintendent/EL 2 endorsement. The following information should also be provided supporting the request:
 - the circumstances of the duty performed
 - the temperature in which the employee was required to work
 - the dates and times of the duty performed in the artificially refrigerated environment.

Rest breaks

- 3.5.7 Employees working in temperatures below 0 degrees Celsius are entitled to twenty minutes paid rest after every two hours of work.
- 3.5.8 The rest period is included in the hourly calculations when the allowance is paid.

Released by Department of Home Affairs under the Freedom of Information Act 1982

3.6 Community language allowance

- 3.6.1 Community language allowance (CLA) is paid to employees where there is a current and ongoing operational requirement for the employee’s language skills (other than English) and where the employee uses their skills in carrying out their duties within the Department.
- 3.6.2 Languages include, but are not limited to, Aboriginal and Torres Strait Islander (ATSI) languages, Auslan, or other forms of communication for the hearing impaired.
- 3.6.3 Employees receiving the CLA would ordinarily perform simple communication and/or community liaison tasks in addition to their normal duties and are not expected to perform ongoing interpreting work.
- 3.6.4 Border Monitoring Officers (BMO) are required to provide liaison with local communities on a regular basis and will be paid at the CLA Level 2 rate.
- 3.6.5 The Department recognises accreditation by the National Accreditation Authority for Translators and Interpreters (NAATI) as the recognised level of competence for payment of CLA:

Language Competence	Comments
NAATI accreditation as a Language Aide	For further information: <ul style="list-style-type: none"> • refer to www.naati.com.au or • contact NAATI via email at info@naati.com.au or • phone the national office on 02 6260 3036.
Recognised level of competency to deliver client services in languages for which NAATI does not test	Where NAATI testing is not available, the Department will determine an appropriate approach to establish whether an employee has a recognised level of competence on a case-by-case basis, based on advice from NAATI or an equivalent/appropriate body. To determine whether NAATI provides testing: <ul style="list-style-type: none"> • refer to www.naati.com.au or • contact NAATI via email at info@naati.com.au or • phone the national office on 02 6260 3036.
NAATI paraprofessional interpreter or higher	Higher levels include Professional Translator, Professional Interpreter and Advanced Translator.
Recognised tertiary qualification in interpreting	Refer to NAATI endorsed qualifications .
Recognised level of competency to deliver client services in ATSI languages	The recognised level of competence is a language test with NAATI and/or the Aboriginal Interpreter Service (AIS), including speaking and listening skills in English and the relevant ATSI language. Where NAATI or AIS do not test in the relevant ATSI language, refer to 4.6.13 for further information.
Recognised Auslan qualification	Includes completion of a NAATI approved course or passing a NAATI accreditation test.

- 3.6.6 To receive the CLA, employees must have current NAATI qualifications that are valid for three years from the date of certification.

Note: NAATI qualifications issued prior to 2018 do not require recertification. However, these qualifications will only be recognised for employees who have continuously received CLA since obtaining their qualification. Employees requesting commencement of CLA will need to obtain an updated qualification to demonstrate the recognised level of competence required in the relevant language.

OFFICIAL

Acquiring the relevant level of competency

- 3.6.7 Where the Department determines that there is a current and ongoing operational need for an employee's language skills (other than English), their manager (EL2 and above) may approve the employee to undertake any necessary NAATI testing to enable the employee to obtain the relevant level of competency for the CLA payment.
- 3.6.8 Where the employee successfully gains the relevant qualifications, the Department will cover the cost of accreditation and the employee's manager will approve reimbursement of the cost of the NAATI testing.
- 3.6.9 Employees can apply for reimbursement of the NAATI qualifications through easySAP:
- easySAP > Employees > Pay > Reimbursements
 - Please note: employees will be required to provide supporting evidence of the cost and successful completion of the NAATI testing to be eligible for reimbursement.
- 3.6.10 Employees will only be eligible for CLA from the date of obtaining the NAATI accreditation. CLA cannot be backdated.

Payment of CLA

- 3.6.11 The employee's manager will determine an employee's eligibility for CLA based on:
- a current and ongoing operational need for the employee's language skills
 - the level of competency required, noting that employees should not be used as a substitute for engaging qualified professional interpreters or translators
 - the employee holding the required level of competency, supported by the relevant recognised qualification.
- 3.6.12 CLA is an annual payment which is paid fortnightly at the following levels based on the qualification held by the employee:

Level	Pay rate as at 8 February 2020 \$ per annum	Effective from 9 February 2021 (2%) (deferred until 9 August 2021) \$ per annum	Effective from 9 February 2022 (2%) \$ per annum	Effective from 9 February 2023 (3%) \$ per annum
Level 1 – Qualification / Standard <ul style="list-style-type: none"> • NAATI Community Language Aide Test, or • recognised level of competency to deliver client services in languages for which NAATI does not test 	\$1,065	\$1,086	\$1,108	\$1,141
Level 2 – Qualification / Standard <ul style="list-style-type: none"> • NAATI Para-professional interpreter and higher, or • recognised tertiary qualification in interpreting, or • recognised level of competency to deliver client services in ATSI languages, or • recognised Auslan qualification 	\$2,130	\$2,173	\$2,216	\$2,282

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

3.6.13 People and Culture Division will determine eligibility for payment of the CLA based on advice from NAATI in the following circumstances:

- where NAATI does not test in a specified language to deliver client services
- to determine the required level of competency to deliver client services in ATSI languages.

3.6.14 Eligible part-time employees will receive the allowance on a pro-rata basis.

3.6.15 CLA may be paid to employees who are on paid leave, including long service leave, subject to applicable legislation, and the WD.

How to apply for CLA

3.6.16 Employees can apply for the CLA through easySAP following a discussion with their manager.

- easySAP > Employees > Job Role > Voluntary Roles Applications > Create > Community Language (complete details as required).

3.6.17 Employees must attach a copy of the relevant accreditation/recognition documentation to the easySAP request.

3.6.18 Once submitted, the request will flow to the delegate (Superintendent/EL2) for consideration and approval. The delegate must sight the qualifications and confirm that they are appropriate for the rate of CLA being requested. The delegate must ensure that the qualification is appropriate for the level of CLA requested.

3.6.19 Once the delegate approves the application it will be valid for 12 months from the date of application and the payment of CLA will automatically commence.

3.6.20 Employees are required to reapply for CLA, including provision of supporting information, through easySAP annually, following a discussion with their manager taking into account operational requirements.

Delegate considerations

3.6.21 The delegation to approve payment of CLA is EL2 manager and above, in accordance with the HR Delegations.

3.6.22 The delegate must be confident that there is a current and ongoing operational need for the employee to use their language skills in the work area and that the employee meets the accreditation/recognition requirements.

3.6.23 A copy of the employee's accreditation/recognition documentation must be attached to the CLA request in easySAP.

CLA and change of position

3.6.24 If an employee changes work areas while receiving CLA they will need to discuss with their new manager whether there is a current and ongoing requirement for their language skills in their new position.

3.6.25 If there is no current and ongoing operational requirement for the employee to use their language skills in the new work area, they will no longer be eligible for payment of CLA and they must arrange for payment of CLA to cease through easySAP:

- easySAP > Employees > Job Role > Voluntary Roles Application > Create > Cease Voluntary Role Form and select Community Language as the Corporate Function.

3.6.26 If there is a current and ongoing operational requirement for the employee's language skill, then the CLA will continue.

The CLA register

3.6.27 The Department maintains a CLA register which provides details of all employees in receipt of CLA and the language(s) for which they are accredited.

3.6.28 The CLA register is located in easySAP and be accessed through:

- Operational Reports > Corporate Function > Community Language Register.

Use of the CLA register

3.6.29 The CLA register is used to identify employees who are currently in receipt of CLA and may be used to identify an employee to assist where there is an operational need for the employee’s language skills (other than English).

3.6.30 The CLA register cannot be used as:

- a substitute for engaging qualified professional interpreters or translators
- a means to require employees to interpret for others.

3.7 Confined space allowance

3.7.1 Employees who are required to perform duty in a compartment, space or place which requires the employee to work in a stooped or otherwise cramped position or without proper ventilation will be eligible for the confined space allowance.

3.7.2 Examples of areas which may be considered confined spaces include (but are not limited to):

- fuel tanks
- cofferdams
- duct keel
- ballast tanks
- fore/aft peak tanks
- steering flat
- rudder train.

3.7.3 Employees required to work in a confined space must be trained appropriately and take reasonable care for their own health and safety to not adversely affect the health and safety of other persons.

- Refer to the [Confined Spaces - Procedural Instruction \(HR-2116\)](#) for further information.

Payment of confined space allowance

3.7.4 The following rate of confined space allowance will apply:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) <i>(deferred until 9 August 2021)</i>	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per hour	\$0.98	\$1.00	\$1.02	\$1.05

3.7.5 The allowance is not payable to employees who work at a CEF and are in receipt of CEFC allowance.

3.7.6 Payment of the allowance will only be made in hourly blocks and is not paid during periods of paid leave.

Released by Department of Home Affairs under the Freedom of Information Act 1982

3.7.7 The allowance is not pro-rated for part-time employees i.e. they will be paid at the full hourly rate.

How to apply for confined space allowance

3.7.8 Employees must submit their request for payment of confined space allowance through the [Support Connect Portal](#) with their Superintendent/EL 2's endorsement. The following information should be provided in support of the request:

- the circumstances of the duty performed including the details of the confined space
- the dates and times the duty was performed in the confined space.

3.8 Container examination facilities composite allowance

3.8.1 To be eligible for CEFC allowance, the employee must be posted to a CEF location and their primary duties must be container and cargo examination.

3.8.2 Employees who assist at a CEF as part of a surge capability or on an ad hoc basis to assist with workload are not eligible for payment of the CEFC allowance.

3.8.3 Where employees do not meet the eligibility provisions, they may apply separately for:

- [cold work allowance](#)
- [confined space allowance](#)
- [dirty or offensive work disability allowance](#).

Payment of CEFC allowance

3.8.4 Eligible employees working at a CEF will receive an annualised CEFC allowance paid fortnightly in lieu of cold work, confined space and dirty or offensive work allowances at the following rate:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) <i>(deferred until 9 August 2021)</i>	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per annum	\$299	\$305	\$311	\$320

3.8.5 The allowance is only payable to APS Level 3 to APS Level 5 employees, with part-time employees receiving a pro-rata payment of the allowance.

3.8.6 The allowance is paid on all paid leave except long service leave, subject to applicable Commonwealth legislation.

How to apply for CEFC allowance

3.8.7 Employees should submit their request for payment of CEFC allowance through the [Support Connect Portal](#) with their Superintendent/EL 2's endorsement. The following information should be provided in support of the request:

- confirmation that the employee is posted to the CEF
- confirmation that the employee's primary duties relate to the examination of cargo and containers.

Released by Department of Home Affairs under the Freedom of Information Act 1982

3.9 Departmental liaison officer allowance

- 3.9.1 Employees performing the duties of a departmental liaison officer (DLO) will be entitled to an annualised allowance in lieu of overtime.
- 3.9.2 DLO allowance is paid in recognition of employees performing duties that are subject to the same working hours as Ministerial employees, who may be required to work long and irregular hours, particularly when Parliament is sitting.

Payment of DLO allowance

- 3.9.3 The allowance is calculated annually and paid fortnightly:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) <i>(deferred until 9 August 2021)</i>	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per annum	\$21,908	\$22,346	\$22,793	\$23,477

- 3.9.4 The allowance is payable during periods of paid leave, excluding long service leave subject to applicable Commonwealth legislation.
- 3.9.5 Part-time employees will receive a pro-rata payment of DLO allowance.

How to apply for DLO allowance

- 3.9.6 Employees should submit their request for payment of DLO allowance through the [Support Connect Portal](#) with approval of the Assistant Secretary, Ministerial and Parliamentary. The following information should be provided in support of the request:
- commencement date
 - proposed cessation date.

3.10 Dirty or offensive work disability allowance

- 3.10.1 Employees may be eligible for dirty or offensive work disability allowance where they are required to perform duties that include:
- dirty work - where an employee is exposed to foul, unclean or dirty substances including but not limited to
 - animal or human waste, by-products or residue
 - rotting, decaying, putrid or contaminated substances or matter
 - fats, oils or greases (particularly if used or contaminated)
 - soot or dirty smoke
 - objects or substances which when handled leave residues requiring a thorough and comprehensive cleaning process to remove the residue from the body, clothes or equipment
 - offensive work - where an employee is exposed to unpleasant or disagreeable odours, including but not limited to
 - pungent, nauseating or acrid smoke or fumes
 - animal or human waste, by-products or residue
 - rotting, decaying or putrid substances or matter.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Payment of dirty or offensive work disability allowance

3.10.2 Eligible employees will receive an allowance that is calculated based on an hourly rate, where the delegate has determined that the employee is required to perform duties that are of an unusually dirty or offensive nature.

3.10.3 The allowance is payable as follows for each hour (or part thereof) the employee is required to perform the dirty and offensive duties:

Hourly rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per hour	\$0.82	\$0.84	\$0.86	\$0.89

3.10.4 The allowance is not payable to employees performing duties at a CEF and who are in receipt of CEFC allowance.

3.10.5 The allowance is not pro-rated for part-time employees i.e. they will be paid the full hourly rate.

3.10.6 The allowance is not paid during periods of paid leave.

3.10.7 Employees with a medical condition that precludes them from performing work which would attract the allowance are ineligible.

How to apply for dirty or offensive work disability allowance

3.10.8 Employees should submit their request for payment of dirty or offensive work disability allowance through the [Support Connect Portal](#) with Superintendent/EL2 approval. The following information should be provided in support of the request:

- the nature of the dirty or offensive work performed
- the dates and times the work was performed.

3.11 Escort duty allowance

Payment of escort duty allowance

3.11.1 Employees required to escort clients to international destinations will receive an allowance for each trip plus an allowance for each day the employee is absent:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per trip	\$547	\$558	\$569	\$586
\$ per day away	\$206	\$210	\$214	\$220

3.11.2 The allowance does not count as salary for superannuation purposes and is not payable during long service leave.

3.11.3 The allowance is not paid during periods of paid leave.

3.11.4 The allowance is not pro-rated for part-time employees i.e. they will be paid the full hourly rate.

How to apply for escort duty allowance

- 3.11.5 Employees should submit their request for payment of escort duty allowance through the [Support Connect Portal with Support Connect Portal with](#) Superintendent/EL2 delegate approval. A copy of the proposed itinerary should be provided in support of the request.
- 3.11.6 The allowance will be processed after the travel has been completed to ensure that any change to the travel arrangements can be included in the calculations.

3.12 Operational safety trainer/operational capability trainer allowance

3.12.1 An employee who is an Operational Safety Trainer (OST) or an Operational Capability Trainer (OCT) assigned to a position in the Operational Safety Training Unit or Advanced Capability Training Section is eligible for payment of the allowance where:

- they are a fully qualified instructor
- they have been appointed as an OST/OCT by the Commander, Operational Readiness Branch.

3.12.2 The allowance is calculated annually and paid fortnightly:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) <i>(deferred until 9 August 2021)</i>	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per annum	\$5,572	\$5,683	\$5,797	\$5,971

- 3.12.3 The allowance is paid while employees are on paid leave, subject to applicable Commonwealth legislation.
- 3.12.4 Part-time employees will receive pro-rata payment of OST/OCT allowance.

Payment of OST/OCT allowance

3.12.5 Requests for commencement of payment of OST/OCT allowance should be sent through the [Support Connect Portal Support Connect Portal](#) with the approval of the Commander, Operational Readiness Branch with the following information:

- the date of commencement for payment of the allowance
- confirmation that the employee has been appointed as an OST/OCT in the Operational Safety Training Unit or Advanced Capability Training Section
- a copy of relevant Use of Force qualifications and/or other relevant qualifications e.g. Certificate IV in Training and Assessment.

3.12.6 Payment of the allowance will only continue if the employee:

- maintains the required competencies, fitness standards and qualifications for the position (including Use of Force permit)
- continues to be a fully qualified instructor assigned to a position in the Operational Safety Training Unit or Advanced Capability Training Section.

3.13 Overtime meal allowance

3.13.1 A meal allowance will be paid to APS 1–6 level employees who:

- work approved overtime whether on a weekday, weekend or public holiday, and

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

- work over an entire meal allowance period, and
- either do not break for a meal or take an unpaid meal break.

3.13.2 A meal allowance period means the following periods:

- 06:30 hrs to 07:00 hrs
- 12:00 hrs to 14:00 hrs
- 19:00 hrs to 19:30 hrs
- midnight to 01:00 hrs.

3.13.3 An EL employee who is directed to perform additional hours to supervise employees on overtime who are eligible for the payment a meal allowance, will also be eligible for payment of a meal allowance.

3.13.4 For further information, refer to the Overtime - Procedural Instruction (HR-4754).

3.14 Professional membership and accreditation expenses

3.14.1 Employees who are required to maintain professional association memberships, practising certificates and formal accreditations; pay registration fees; and/or undertake required training to maintain these arrangements in order to perform the duties of a particular role or position in the Department, are eligible for payment of these expenses with the approval of the relevant delegate (all SES Band 2s and above).

3.14.2 Employees must provide copies of relevant invoices or receipts of payment to support the payment of these expenses.

Payment of professional membership and accreditation expenses

3.14.3 Professional membership and accreditation expenses can be paid on a Corporate Credit Card with the approval of the SES Band 2.

3.14.4 Alternatively, requests for reimbursement can be sent through the [Support Connect Portal](#) with delegate approval and a copy of the receipt/invoice.

3.15 Restriction allowance

3.15.1 Executive Level (EL) or APS Level 1-6 employees who are directed to be contactable and available to attend work to perform extra duties at a time they would not normally perform duties are entitled to restriction allowance.

3.15.2 The employee may be required to perform the extra duty at their usual workplace or at another workplace, including their home.

3.15.3 Employees should only be placed on restriction when alternative arrangements such as utilising operation centres with employees on 24/7 shifts are not operationally viable.

3.15.4 Restriction allowance is only payable where an employee has been directed by their manager to be contactable and available to perform extra duty outside of their ordinary hours.

3.15.5 Employees who are placed on restriction will be provided with a mobile phone and/or laptop.

3.15.6 Generally only one employee per team should be restricted outside ordinary hours. However, the relevant delegate may approve more than one employee being placed on restriction due to operational requirements.

3.15.7 Restriction allowance is not payable to employees who have taken leave. Managers must not direct employees who are on leave (of any type) to be restricted.

Example

Chris is a flex worker who has annual leave approved on Monday, 6 March 2023. Chris should not be directed to be on restriction until after Chris has returned to the workplace i.e. Chris should not be placed on restriction until Tuesday, 7 March 2023.

Unplanned leave during period of restriction

- 3.15.8 Where an employee who has been placed on restriction needs to take leave due to personal illness or injury, for caring purposes or for compassionate or bereavement reasons, the restriction will cease from the date the leave commences until after the leave concludes.
- 3.15.9 Where the restriction allowance has already been approved in easySAP, the employee or the manager should make arrangements for cessation of the allowance during the period of leave. An alternative employee may be directed to be on restricted duty.
- 3.15.10 Once the employee has returned to duty they may reapply for restriction allowance where they are directed by their manager to be contactable and available to perform extra duty outside of their ordinary hours and if there is an operational requirement for them to do so.
- 3.15.11 Where an employee is restricted prior to taking unplanned leave, they are still eligible for the restriction allowance until their leave commences.

Example

Jamie is a flex worker and is placed on restriction from 17:00 on Monday, 15 May 2023 until Wednesday, 17 May 2023. Jamie is unwell and takes personal leave on Tuesday and returns to work on Wednesday. Jamie is eligible for payment of restriction allowance on Monday and Wednesday only. Alternative arrangements for Tuesday are made.

Jamie should not be placed on restriction again until after Jamie has returned to work.

Rate of restriction allowance

- 3.15.12 Restriction allowance is paid at the rate of \$41 per 24 hour period (or part thereof) on each occasion that the employee is restricted.
- 3.15.13 The 24 hour period of restriction commences from the time the employee is restricted.
- 3.15.14 Refer to [How to apply for restriction allowance](#) for further details.

Extra duty performed while on restriction (APS 1-6 level employees)

- 3.15.15 APS Level 1-6 employees, who are required to perform extra duty while restricted, will be entitled to overtime payment as follows:
 - where the employee is required to return to their usual workplace – three hour minimum payment, or
 - where the employee is required to perform extra duty at home – one hour minimum payment.
- 3.15.16 If an APS Level 1-6 employee is required to perform duty at home and is subsequently required to return to work to perform duty, this is considered to be more than one attendance for the purpose of undertaking overtime and payment for multiple attendances will apply. Refer to section [Payment for multiple attendances](#) for further information.

Extra duty performed while on restriction (EL employees)

- 3.15.17 EL employees required to perform extra duty while on restriction may be granted time off in recognition of additional hours worked in accordance with clause 3.31 of the [WD](#).

Payment for multiple attendances

- 3.15.18 For the purpose of calculating overtime, employees required to attend for more than one separate attendance will be paid the lesser of:
 - the minimum payment of three hours overtime for each attendance, or
 - payment as if the overtime was continuous from the commencement of the first attendance to the cessation of the last attendance.
- 3.15.19 Refer to the [Overtime - Procedural Instruction \(HR-4754\)](#) for further information.

How to apply for restriction allowance

- 3.15.20 Employees apply for restriction allowance in easySAP:
 - Employees > Pay > Restricted Duty Claim Application.
- 3.15.21 Requests for restriction allowance which span overnight should be entered for one day.

Example

Frankie is placed on restriction commencing at 17:00 hrs on Monday 17/02/20 until 08:30 hrs on Tuesday 18/02/20. The 24 hour period for payment commences at 17:00 hrs on 17/02/20 and ends at 17:00 hrs on 18/02/20.

When entering the request for restriction allowance in easySAP, Frankie should request payment for the allowance for 17/02/20 to 17/02/20 only.

- 3.15.22 The request will workflow to the relevant delegate for approval (EL2 and above). Delegates should ensure that restriction allowance is only approved for the relevant 24 hour period.

3.16 School holiday assistance

- 3.16.1 Ongoing employees who have an approved application for annual leave or purchased leave during school holidays cancelled for operational reasons may be entitled to a reimbursement payment for school holiday assistance, where their circumstances meet the eligibility criteria at [3.16.7](#).
- 3.16.2 Reimbursement for eligible employees will only be paid for the days the employee is scheduled to attend for duty and actually attends work.
- 3.16.3 Employees must provide documentary evidence (such as a receipt from an approved child care or school holiday program provider) when submitting their request to the delegate for reimbursement.
- 3.16.4 The reimbursement amount is \$27 per child per day up to a maximum of \$270 per family per week.
- 3.16.5 Delegates may also approve reimbursement for school holiday assistance for employees with school age children, where an application for annual or purchased leave during school holidays has been refused for operational reasons.
- 3.16.6 To be eligible for reimbursement in these cases, the employee must have submitted their application for annual or purchased leave on easySAP, had the application rejected for operational reasons and meet the eligibility criteria at [3.16.7](#). The delegate should note the reason for refusing the leave in easySAP.

Eligibility for school holiday assistance

- 3.16.7 To be eligible for school holiday assistance reimbursement, the employee must:
 - be an ongoing employee

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

- have children that are school age (including non-compulsory part-time or full-time education where school holidays are observed e.g. kindergarten and preschool)
- have had an approved annual or purchased leave application cancelled or refused for the school holiday period for operational reasons
- have incurred a cost from an [approved child care provider](#) and be able to provide documentary evidence of the cost incurred to support the reimbursement
- not have a spouse or partner who is receiving a similar benefit from his/her employer.

What does an approved child care provider mean?

- 3.16.8 Approved school holiday program/childcare is provided by a service which is approved by Services Australia to receive child care subsidy payments and is recognised as an approved service on the Department of Education and Training website at www.childcarefinder.gov.au.

How to apply for payment of school holiday assistance

- 3.16.9 To apply for school holiday assistance employees are required to complete a reimbursement claim in easySAP:
- Employees > Pay - Employee Reimbursements > Other.
- 3.16.10 Receipts for child care indicating the times, dates and cost of attendance must be attached, and the request will workflow to the Superintendent/EL2 for approval.

3.17 Self-contained breathing apparatus (SCBA) allowance

- 3.17.1 Employees qualified in, and required to use, SCBA in the performance of their duties at a designated sea cargo examination area (DSCEA) are eligible for an annualised allowance at the following rate:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per annum	\$858	\$875	\$892	\$919

Payment and eligibility

- 3.17.2 For employees who are normally assigned to a CEF, the allowance is payable where they are qualified and required to use SCBA in the performance of duties. This includes employees who have not yet undertaken the duty but there is a reasonable expectation they will be required to.
- 3.17.3 For employees who are not normally assigned to a CEF, the allowance is payable for a 12 month prospective period once they are surged to a CEF and required to perform the duty.
- 3.17.4 The allowance is paid fortnightly and will be paid on a pro-rata basis for part-time employees.
- 3.17.5 The allowance is paid to employees while they are on paid leave subject to applicable Commonwealth legislation.

How to apply for SCBA allowance

- 3.17.6 Employees should submit their request for payment of SCBA allowance through the [Support Connect Portal](#) with their Superintendent/EL 2's approval. The following information should be provided in support of the request:

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

- confirmation that the employee is required to perform SCBA work at the DSCEA
- a copy of the SCBA qualifications.

3.18 Temporary relocations

- 3.18.1 Employees who are required to perform duty at a temporary location other than their usual place of work will be eligible for reimbursement of reasonable excess fares where the cost of travelling to the temporary location is greater than the cost of their usual trip to work. The delegate will determine whether the excess fares claimed by the employee are reasonable.
- 3.18.2 Any reimbursement is calculated on the difference in the cost of fares between travel to the employee's usual place of work and travel to their temporary location.
- Where an employee wishes to claim taxi fares, the reimbursement will be the difference between the cost of a taxi fare or similar from the employee's home to their usual place of work and the cost of a taxi fare or similar from the employee's home to their temporary place of work. Employees will not be reimbursed the full taxi fare or similar to the temporary location.
- 3.18.3 A temporary relocation is defined as a requirement to work at another place of work for a specified period of time.
- 3.18.4 For the purposes of this provision, fares do not include parking costs and/or vehicle mileage and fuel costs.
- 3.18.5 Employees who are receiving travelling allowance or have been advised that they will be permanently moving to a new work location within the city or town where they usually work are not eligible for reimbursement of excess fares.

How to apply for reimbursement of reasonable excess fares

- 3.18.6 Employees should submit requests for reimbursement of excess fares through the [Support Connect Portal](#) with supporting documentation such as travel cost comparison and copies of receipts for consideration by the Director Employee Conditions and Relocations.

3.19 Uniform allowance

- 3.19.1 Employees who are required to wear a uniform provided by the Department but who are not provided with shoes and socks as part of that uniform are eligible for payment of uniform allowance to cover the cost of appropriate shoes and socks:

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (1.8%)
\$ per annum	\$295	\$301	\$307	\$313

- 3.19.2 The allowance is paid in advance on 1 July each year.
- 3.19.3 The allowance will be paid at the same rate to both full-time and part-time employees.
- 3.19.4 Employees who commence work and are required to wear a uniform at any time during the year, and who are not provided with shoes and socks as part of that uniform, will receive a pro-rata payment of the allowance at the time of commencing the work.

- 3.19.5 Employees who are required to purchase their own shoes because the Department is not able to provide shoes in the correct size, or the employee is not able to wear the shoes provided by the Department for medical reasons, may arrange through the National Uniform Store to purchase their own shoes and be reimbursed for the cost, up to the value of the allowance.
- 3.19.6 Employees will only be reimbursed if they purchase shoes for the reasons outlined above – they will not be reimbursed if they choose to purchase their own shoes because they don't like the appearance of the style(s) provided.
- 3.19.7 For further information, refer to the [ABF Uniform, Dress and Appearance Standards - Procedural Instruction \(HR-5015\)](#).

How to apply for payment of uniform allowance

- 3.19.8 Employees should submit requests for payment of uniform allowance through the [Support Connect Portal](#) with Superintendent/EL2 delegate approval of payment of the allowance.

3.20 Use of Force allowance

Eligibility

- 3.20.1 Use of Force allowance will only be payable where an employee:
- is assigned to a designated Use of Force position. Designated Use of Force positions are those where an employee has an accessible firearm as part of their normal duties; and
 - holds and has been issued with a valid Use of Force (stage 3) permit for the full suite of personal defence equipment, including a service pistol; and
 - at all times maintains the required competencies, fitness standards, Use of Force permit and/or security clearance. Failure to maintain such standards may result in the cessation of the allowance.
- 3.20.2 Employees who are no longer assigned to a designated Use of Force position but who:
- have maintained their Use of Force permit, and
 - have maintained relevant fitness and medical standards, (including psychometric assessment), and hold a current first aid certificate
 - Will be eligible to receive the allowance on a pro-rata basis when directed by their Superintendent (or the responsible Superintendent for the area where the employee will be temporarily deployed) to perform Use of Force duties to a designated surge position on a temporary basis.
- 3.20.3 Pro-rata Use of Force allowance will be calculated using the following formula:
- Annual Use of Force amount/313 x 12 = fortnightly rate
- Fortnightly rate/10 = pro rata amount.
- 3.20.4 Pro-rata Use of Force allowance will be paid in full for each day or part day an employee is directed by the Superintendent to perform Use of Force duties.
- 3.20.5 Use of Force -trained employees who require first aid qualifications are not eligible for payment of workplace responsibility allowance unless they are a designated first aid officer.

Payment of Use of Force allowance

- 3.20.6 Eligible employees will receive an annualised UOF allowance at the following rate:

OFFICIAL

Rate	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
\$ per annum	\$2,353	\$2,400	\$2,448	\$2,521

3.20.7 The annualised rate will be paid fortnightly and is paid during all periods of paid leave.

3.20.8 Part-time employees and employees who perform duties in a designated Use of Force position on a temporary basis will receive a pro-rata payment of Use of Force allowance.

How to apply for Use of Force allowance

3.20.9 EasySAP has been automated to pay Use of Force allowance automatically where the employee is in a designated Use of Force position, the employee's Operational Readiness assessments are complete and valid and they have a current Use of Force permit (including an extensions) and maintain a current Use of Force First Aid certification.

3.20.10 Employees who are no longer eligible for Use of Force allowance but continue to receive payment must immediately notify Payroll Services through the Support Connect Portal to arrange cessation of the allowance.

3.21 Workplace responsibility allowance

Eligibility and payment

3.21.1 An employee who has designated responsibilities as a:

- First Aid Officer
- Health and Safety Representative
- Integrity Support Officer
- Harassment Contact Officer or
- Emergency Control Volunteer

Will be paid an allowance calculated annually and paid fortnightly as follows:

Minimum current qualification \$ per year	Pay rate as at 8 February 2020	Effective from 9 February 2021 (2%) (deferred until 9 August 2021)	Effective from 9 February 2022 (2%)	Effective from 9 February 2023 (3%)
Level 2 First Aid – Senior First Aid	\$575	\$586	\$598	\$616
Level 3 First Aid or higher qualification	\$706	\$720	\$734	\$756
Other workplace responsibility	\$356	\$363	\$370	\$381

3.21.2 The allowance will only be payable where an employee:

- has successfully completed a recognised training program approved by the delegate; and
- performs duties in addition to their normal duties, specifically related to the [designated responsibility](#).

OFFICIAL

3.21.3 Workplace responsibility allowance is not payable to employees who are required to hold qualifications as part of their job, unless they also have a designated workplace responsibility role. For example, Use of Force trained employees who require first aid qualifications for that role are not eligible for payment of workplace responsibility allowance unless they are a designated first aid officer.

3.21.4 If an employee undertakes more than one of the designated responsibilities, they will not be entitled to multiple workplace responsibility allowance payments. However, they will receive payment for the allowance that attracts the highest payment.

Example:

Ronny is a designated Level 2 First Aid Officer with Senior First Aid qualifications (\$616 pa) and is also a Harassment Contact Officer (\$381 pa). Ronny will receive one workplace responsibility allowance, which is payable at \$616 per annum (as at February 2023).

3.21.5 This allowance will be paid during a period of paid leave, including long service leave, if the employee would have continued to perform the additional duties of the designated responsibility but for the leave.

3.21.6 Part-time employees will receive pro-rata payment of the allowance.

3.21.7 The delegation to approve payment of workplace responsibility allowance and determination of required training programs is held by the following areas:

Workplace responsibility	Responsible area	Approver
First Aid Officers	Staff Health and Wellbeing, Health Services	EL2 Staff Health and Wellbeing
Health and Safety Representatives	Work Health and Safety, People Operations Branch	EL2 Work Health and Safety
Integrity Support Officer	Integrity and Professional Standards	I&PS ISO Coordinator (EL1)
Harassment Contact Officers	Case Management Services, People Services	Regional Harassment Contact Officer Coordinator
Emergency Control Officers	Facilities Management, Property	Facilities management

How to apply for workplace responsibility allowance

3.21.8 Workplace responsibility allowance is applied for and approved in easySAP, through the following path:

- easySAP > Employees - Job/Roles - Voluntary Roles Application - Create - then select the relevant workplace responsibility (e.g. first aid officer).

3.21.9 Employees are required to attach the relevant qualifications to the application.

3.21.10 Once submitted, the request will workflow to an employee's EL2 for endorsement (note this is not approval for the allowance).

3.21.11 If the EL2 endorses the payment of the allowance, it will workflow to the relevant delegate for approval to pay the allowance.

3.21.12 Employees will be required to reapply for the relevant allowance annually.

Ceasing workplace responsibility allowance

3.21.13 Employees who are no longer eligible for payment of a workplace responsibility allowance must ensure that the payment for the relevant allowance is ceased through easySAP:

OFFICIAL

- easySAP > Employees > Job/Roles - Voluntary Roles Application > Create > Cease Voluntary Role Form.

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

4. Accountabilities and Responsibilities

Role	Description
Employee	<p>Employees are responsible for:</p> <ul style="list-style-type: none"> • applying for allowances in the correct way, providing the supporting documentation where required • ensuring they are only receiving allowances for which they are eligible • undertaking appropriate actions to cease allowances where they are no longer eligible (e.g. they move positions or no longer have required qualifications).
Manager	<p>Managers are responsible for:</p> <ul style="list-style-type: none"> • ensuring their employees are only receiving allowances for which they are eligible • following up with employees where they identify that an employee is receiving an allowance for which they are no longer entitled
Delegates	<p>Delegates are responsible for:</p> <ul style="list-style-type: none"> • ensuring eligibility of employees for requested allowances when determining approval • approving payment of allowances in line with the WD and taking the Department's policy approach into account. <p>Refer to HR Delegations for more information.</p>
Employee Conditions and Relocations Section, People Services Branch	<p>Employee Conditions and Relocations is responsible for:</p> <ul style="list-style-type: none"> • providing advice to employees and managers on more complex allowance queries • Coordinating and administering allowances requests where delegation for approval is held in People and Culture Division.
Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	<p>Workforce Management and Conditions is responsible for:</p> <ul style="list-style-type: none"> • providing policy advice and guidance in relation to allowances, including eligibility for allowances, to People and Culture Division stakeholders • updating this PI to ensure currency and relevance.
Payroll Operations Section/Payroll Assurance and Analysis Sections, Recruitment Pay and People Systems Capability Branch	<p>Payroll Services is responsible for:</p> <ul style="list-style-type: none"> • managing requests from employees, managers and delegates in relation to allowance requests as required • managing recovery of identified overpayments in line with the WD and departmental policy.

Released by Department of Home Affairs under the Freedom of Information Act 1982

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	12 July 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Initial draft to support WD for consultation
0.2	16 October 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Updated draft including consultation feedback.
0.3	12 June 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Updated draft including second round consultation feedback.
0.4	23 July 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Final version updated to include further consultation feedback.
0.5	17 November 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Final version incorporating PPCF/PCPF Legal feedback.
0.6	27 Nov2023	Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	Updated to reflect Department of Home Affairs Determination 2022/01 , sunset arrangements for Work Location Allowances as per clause 5.38 of the WD and PPCF Legal feedback.

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Allowance		An amount paid, generally on a fortnightly or annual basis, for a specific purpose where eligibility requirements are met.
Australian Border Force	ABF	As defined in section 4 of the <i>Australian Border Force Act 2015</i> , the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to HR Delegations .
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2022/01.
Department of Home Affairs Determination 2022/01	Section 24(1) determination	A determination made by the Secretary under section 24(1) of the <i>Public Service Act 1999</i> , that provided increases to employee's salary and specified allowances of 3% on 9 February 2023.
Employee		An ongoing or non-ongoing employee engaged under section 22(2) of the <i>Public Service Act 1999</i> .
Fortnightly contributions salary	FCS	The salary for superannuation purposes; it includes certain allowances that are automatically recognised (e.g. first aid allowance) and some that are subject to qualifying periods (e.g. higher duties allowance). Salary for superannuation purposes is reviewed each year on the employee's birthday.
Location or locality		A zone that encompasses all departmental installations in the geographical location where the employee normally works. Each capital city is considered one discrete locality.
Ordinary time earnings	OTE	Is generally what employees earn for their ordinary hours of work. It includes for example, shift loadings and allowances, but not overtime payments or lump sum payments in respect of unused annual and long service leave. A full list of what is included and excluded from OTE is contained within the Superannuation Guarantee Ruling 94/4 and the addendum to that ruling which is available from the Australian Taxation Office at www.ato.gov.au/super .
Overpayment		An overpayment occurs if the Department provides an employee with an amount of money which the employee was not entitled to receive (including but not limited to salary, entitlements,

OFFICIAL

Term	Acronym (if applicable)	Definition
		allowances, travel allowance payment and/or other amount payable under the WD).
Reimbursement		An amount paid to cover the cost of money spent on work-related expenses. To enable reimbursement, supporting evidence of expenditure/cost is required. Reimbursement can be full or partial recovery of cost, depending on the circumstances.
Secretary		The appointed agency head of the Department.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Home Affairs Workplace Determination 2019	Part 5 and clauses 9.33 – 9.34	Allowances and temporary relocations	Y	All HR Delegations are available at HR delegations .
Department of Home Affairs Determination 2022/01	Section 24(1) of the Public Service Act	Salary and Allowances	N	

1.2. Controls and Assurance

Related Policy	Remuneration - Policy Statement (HR-2174) Official Travel - Policy Statement (FM-6382) National Surveillance Unit Conditions - Policy Statement (HR-3599)
Procedures / Supporting Materials	Working Hours - Procedural Instruction (HR-2191) Overtime - Procedural Instruction (HR-4754) Higher Duties - Procedural Instruction (HR-2138) Domestic Relocations and Remote Conditions - Procedural Instruction (HR-2120) Studies Assistance - Procedural Instruction (HR-2178) Overpayments and employee debt - Procedural Instruction (HR-6614) Confined Spaces - Procedural Instruction (HR-2116) Marine Unit Salary Payments and Allowances - Procedural Instruction (HR-6729) Health and Safety Representatives – Procedural Instruction (HR-3143)
Training/Certification or Accreditation	Where required, employee must hold the relevant qualifications
Other required job role requirements	Where applicable, allowances relate to designated roles and duties
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	MyHR Support Connect Portal
Escalation arrangements	Queries which require escalation will be forwarded through the Support Connect Portal to the relevant People and Culture Division work area.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Recordkeeping (e.g. system based facilities to record decisions)	easySAP Content Manager
Program or Framework (i.e. overarching Policy Framework or Business Program)	Workforce Management and Conditions Workforce Management and Conditions
Job Vocational Framework Role	This PI applies to all job roles in the Department, including the ABF.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Attachment C – Consultation

1.1 Internal consultation

The following internal stakeholders were consulted in the development of this PI:

- Operational Practices Command, ABF Support
- People Strategy Branch, People and Culture Division
- People Services Branch, People and Culture Division
- People Operations Branch, People and Culture Division
- Legal Group
- all Department of Home Affairs employees including Australian Border Force.

1.2 External consultation

The following external stakeholders were consulted in the development of this PI:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).

Attachment D – Allowances - Long Service Leave and Superannuation

The table below sets out the treatment of allowances for superannuation and OTE purposes as determined by the relevant superannuation legislation. Employees should seek their own financial advice with respect to superannuation and how it affects their individual circumstances.

Allowance	Payable on LSL	Superannuation	Rules	OTE?
CATO and CFI Allowance	Yes	Yes	N/A	Yes
Cold Work Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance)	Yes
Community Language Allowance	Yes	Yes	N/A	Yes
Confined Space Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance)	Yes
Container Examination Facility Composite Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance)	Yes
Departmental Liaison Officer Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance)	Yes
Dirty or Offensive Work Disability Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance)	Yes
Escort Duty Allowance	No	No	N/A	Yes
Operational Safety Trainer and Operational Capability Trainer Allowance	Yes	Yes	N/A	Yes
Overtime Meal Allowance	No	No	N/A	No

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Allowance	Payable on LSL	Superannuation	Rules	OTE?
Restriction Allowance	No	May Count	Employee must have received the allowance for a continuous period of 12 months or is likely to receive the allowance for a continuous 12 month period (over 50% chance).	No
School Holiday Assistance	No	No	N/A	No
Self-Contained Breathing Apparatus Allowance	Yes	Yes	N/A	Yes
Temporary Relocations	No	No	N/A	No
Uniform Allowance	No	No	N/A	No
Use of Force Allowance	Yes	Yes	N/A	Yes
Workplace Responsibility Allowance	Yes	Yes	N/A	Yes

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Employee Assistance Program ✕

Employee Assistance Program

If you are experiencing work-related or personal difficulties, you can get help through the Employee Assistance Program (EAP). Departmental staff and their immediate families may access six free one hour EAP sessions per issue per year.

[TELUS Health \(formerly Benestar\)](#) provides professional, confidential counselling and support to help improve mental health and wellbeing of staff including:

- performance management
- change management
- workplace mediation
- develop strategies to manage stress and grief
- tips for sleeping
- a nutritionist support for diet
- financial support
- domestic and family violence assistance
- online support and advice

NOTE: TELUS Health provides a range of other services that the Department does not fund, such as legal advice. If you would like to access a service not listed above, you will need to pay for it yourself.

How to contact EAP

Phone:

- 1300 360 364 (within Australia)
- 0800 360 364 (New Zealand)
- +61 2 8295 2292 (outside Australia/NZ - available 24/7)

SMS - only available to Australian mobile numbers

- Send an SMS message to 0480032310
- Monday to Friday (7:30am to 7:30pm) (AET)

Live chat

Access live chat and additional support tools on Benestar's website. You will need to enter these Benestar app details:

- s22(1)(a)(ii)
- [REDACTED]
- [REDACTED]

Download the TELUS Health One App and enter your shared log-in credentials:

- Username: s22(1)(a)(ii)
- Password: [REDACTED]

The Benestar and TELUS Health app is available for download from:

- Google Play (Android)
- App Store (Apple)

EAP during work hours

If you choose to use EAP services, you can access up to six one hour EAP counselling sessions, per issue. The first two sessions can be accessed during worktime and you will not need to use flextime or leave. You need to notify your supervisor you have an appointment to attend to avoid 'unauthorised' absence.

EAP for offshore based staff

TELUS Health have partner clinicians at overseas posting locations and onsite EAP services can be provided in-country, and in local language, if needed. Locally Engaged Employees may access TELUS Health EAP services, where DFAT EAP support is not available.

Refer to [EAP flyer \(TRIM ADD2023/3590277\)](#) for EAP contact details at overseas postings.

Long-term mental health support

If you require long term mental health support, we encourage you to seek assistance from your treating General Practitioners (GP) for a [Mental Health Treatment Plan](#).

EAP access to former staff

Former departmental staff, including in the ABF, and their immediate families may access EAP services for six months after the separation date.

More information

- [EAP Financial Assistance video](#)
- [Employee Assistance Program video](#)
- [EAP Factsheets and Flyers \(TRIM ADD2023/606044\)](#)

Contact

If you have any questions relating to EAP, email s22(1)(a)(ii) [homeaffairs.gov.au](mailto:s22(1)(a)(ii)@homeaffairs.gov.au)

The Department's s22(1)(a)(ii) can also help you with work-related or personal difficulties.

Close

Other TELUS Health services

TELUS Health Critical Incident Support

If you experience a stressful event in the workplace, your manager may need to access Benestar's Critical Incident Support. This support is available for staff member or client illness, injury or death, conflict or aggressive behaviour or a work, health and safety incident.

TELUS Health's Critical Incident Support is an additional cost to the Department and requires a manager's coordinated response. Cost Centre managers are responsible for the cost of requesting this service. To arrange trauma EAP for their staff, managers can phone:

- 1300 360 364 (within Australia) - available 24/7
- select option 2, then 1 for immediate response, or 2 for next day response
- +61 2 8295 2292 (outside Australia - available 24/7)

More information is available in the [Critical Incident Factsheet \(TRIM ADD2022/4416649\)](#).

Onsite EAP Visitation

Bespoke services are available to staff onsite, such as:

- regular onsite EAP visitations at different departmental premises or work areas
- tailored training sessions
- suites of support resources and programs.

Onsite EAP service is an additional cost to the Department. Cost Centre managers are responsible for the cost of requesting this service.

Aboriginal and Torres Strait Islander Support Line

TELUS Health clinicians are experienced in providing specialist counselling support to Aboriginal and Torres Strait Islanders.

Staff can receive psychological support on the following:

- improve work relationships
- work out strategies for creating better work/life balance
- managing community and cultural issues
- balance community and personal responsibilities and obligations
- develop strategies to manage stress and grief
- provide guidance on parenting issues
- reduce feelings of isolation (away from family supports)
- handle lost motivation and interest in life
- address bullying and harassment.

More information is available in the [Aboriginal and Torres Strait Islander Support Line flyer \(3MB PDF\)](#)

Contact

- **Phone:** 1800 816 152 – available 7:00am – 9pm (AEST) Monday to Friday (excluding public holidays)

If you have any questions about Critical Incident, Aboriginal and Torres Strait Islander Support Line, or would like to arrange Onsite EAP Visitation for your area, email [s22\(1\)@homeaffairs.gov.au](mailto:s22(1)@homeaffairs.gov.au).

Close



Department of Home Affairs

Fact Sheet – Family and Domestic Violence Leave (FDVL)

Our commitment

The Department is committed to supporting employees affected by family and domestic violence. This commitment includes providing access to leave entitlements and other arrangements, and ensuring employees are afforded privacy and sensitivity when receiving this support.

National arrangements

FDVL is an entitlement under the National Employment Standards (NES) which can be found under the [Fair Work Amendment \(Family and Domestic Violence Leave\) Act 2018](#) (FDVL Act).

In accordance with the release of the *Public Sector Interim Workplace Arrangements 2022* by the Australian Public Service Commission (APSC) and the Fair Work Amendment (Paid Family and Domestic Violence Policy Leave) Bill 2022 which was passed on 27 October 2022, amends the *Fair Work Act 2009* (FW Act) to include 10 days of paid FDVL to employees (including casuals).

Eligibility

FDVL is available to all employees (including casuals) and may be taken:

- where you are experiencing family and domestic violence (FDV),
- have matters to attend to relating to the impact of the FDV and/or
- it is impractical to manage matters relating to FDV outside of your normal working hours.

While you may access FDVL for the above reasons, there may be occasions where FDV has a direct impact on a member of your family or household. Examples of when FDVL can be used in these circumstances include (but are not limited to):

- making arrangements to ensure an employee's safety and/or the safety of a family or household member, including moving into emergency accommodation and/or seeking safe accommodation
- organising alternative care and/or educational arrangements for children
- attending medical or counselling appointments, including absences for recovery periods as certified by a medical practitioner
- attending court hearings
- police appointments,
- accessing legal advice and/or
- reasonable recovery periods.

Entitlements

- You are entitled to up to 10 days paid FDVL within a 12 month period. This can be approved by your Executive Level 1 (EL1) manager or above.
- Should you require access to more than 10 days paid FDVL, your EL2 or above has the discretion to approve additional paid FDVL.
- FDVL is available in full at the start of each 12 month period, based on your anniversary date of commencement with the APS. FDVL does not accrue and is not payable on separation.
- For casual or non-ongoing employees, the anniversary date is based on the commencement date of your initial contract with the Department.
- You can access FDVL in a block of consecutive days or in separate full or part-day periods.
- Managers may request you provide suitable evidence. This is at the discretion of your manager, and will always be done sensitively. In many cases, a form of evidence will not be necessary. Staff may contact Employment Conditions via [s22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s22(1)(a)(ii)@homeaffairs.gov.au) if they have any concerns regarding a manager's request. Alternatively, staff may also contact the [Domestic and Family Violence network](#)
- Where evidence may be required, forms of evidence that may be provided include, but is not limited to, a statutory declaration, a medical certificate, appointment attendance certificate or email confirmation of an appointment or an arrangement, or a copy of a court listing. Managers will not require any details of medical complaints, police reports, court hearings or other discussions apart from dates and times.
- You can also request to use personal leave entitlements in situations of illness or injury, however paid FDVL is available allowing you to maintain your balance of personal leave which is then able to be accessed for other health/emergency related purposes.
- Employees supporting a direct member of their family or household may access personal leave entitlements:
 - To provide care or support to a family or household member who is ill or injured as a result of family and domestic violence; or
 - To provide care or support to a family or household member who is affected by an unexpected emergency as a result of domestic and family violence.
- Should you request personal leave to provide care or support to a family or household member, the manager may also request suitable evidence. In these cases, the manager will have regard to the privacy of the family or household member.

Accessing FDVL

Requests for paid FDVL up to 10 days can be made through easySAP as follows:

- Leave > Leave Request > Other > Family and domestic violence leave (up to 10 days).

The request will workflow to the delegate (i.e. EL1 and above) for approval.

Requests for paid FDVL more than 10 days can be made through easySAP as follows:

- Leave > Leave Request > Other > Family and domestic violence leave (greater 10 days).

The request will workflow to your EL2 or above for approval.

Privacy and confidentiality

All care will be taken to ensure that your privacy is protected if you apply for FDVL. Conversations with your manager and any supporting documentation you provide will be kept confidential. Your personal circumstances will not be shared with any other party without your consent.

The only exception is where there is a requirement under Australian law and it is deemed necessary to disclose personal information to ensure the protection of the life, health and safety of you, and/or a member of your family or household.

Other Arrangements

Flexible working arrangements

You can request access to flexible working arrangements if you are affected by family and domestic violence, or if you are providing care and support to a member of your family or household who is affected by family and domestic violence. Flexible working arrangements may include:

- flexible location—for example, working from home or an alternative office temporarily
- flexible hours—for example, changing start or finish times to accommodate personal or family commitments
- flexible patterns—for example, working longer days to provide for a shorter working week
- flexible rostering—for example, split shifts
- job sharing—where two or more staff share one full-time position
- graduated return to work—where a staff member returns to work part-time and gradually builds up to full-time work by an agreed date.

Accessing flexible working arrangements is subject to the approval of your manager, taking into consideration your circumstances and the operational requirements of the work area.

Further information can be found in the [Flexible working arrangements – Procedural Instruction \(HR-4755\)](#)

Family and domestic violence support

For further information on the support, resources and services available to you, managers and colleagues, refer to MyHR [Domestic and family violence assistance](#).

If you are affected by FDV, you are encouraged to seek support through the [Employee Assistance Program \(EAP\)](#):

- Phone: 1300 360 364 (within Australia) or
- Phone: +61 2 8295 2292 (outside Australia).

The Department also has a [Peer Support Program](#) and a [Domestic and Family Violence Contact Officer Network](#). FDV external support services can be accessed [here](#).

Contacts

If you have any questions, you can lodge an enquiry through the Support Connect Portal

If you can't access the portal, email [s22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s22(1)(a)(ii)@homeaffairs.gov.au)

Phone: [\(in Australia\)](tel:s22(1)(a)(ii)) or [\(outside Australia\)](tel:s22(1)(a)(ii))



Communicable Diseases

Procedural Instruction

Document ID (PPN)	HR-2115
TRIM record number	ADD2019/6430213
BCS Function	Human Resource Management – Work Health and Safety
Risk	Critical
Document owner	Assistant Secretary (AS) Workplace Relations and WHS Assurance Branch, People and Culture Division
Approval date	8/12/2017
Document Contact	Workforce Health and Safety Section - <small>s22(1) (a)(ii)</small> @homeaffairs.gov.au

Table of Contents

1. Purpose	3
2. Scope	3
2.1. In Scope	3
2.2. Out of Scope	3
3. Procedural Instruction	3
4. Accountability and responsibilities	4
5. Conducting a Risk Assessment	4
5.1. Identify the Hazard	5
5.2. Mode of transmission	5
5.3. Types of Influenza (Flu)	7
5.4. Routine Hygiene and using Personal Protection Equipment (PPE)	10
5.5. Safe disposal of discarded sharps	11
5.6. Training and Information	11
5.7. Monitor and Review	11
5.8. Workers with a Communicable Disease	11
5.9. Reporting incidents of occupational exposure	12
6. Statement of Expectation	12
6.1. Directions	12
6.2. Policy, Guidance and Recommendations	13
6.3. Exercise of Legislative Powers and Functions	13
7. Accountability and Responsibility	13
8. External References	14
9. Version Control	15
Attachment A – Definitions	16
Attachment B – Assurance and Control Matrix	20
1.1. Powers and Obligations	20
1.2. Controls and Assurance	22
Attachment C – Consultation	23
1.1. Internal Consultation	23
1.2. External Consultation	23
Appendix A - Vaccination Recommendations	24
Appendix B - Process for removing sharps	25

1. Purpose

To provide advice on managing the risks of communicable diseases in the workplace.

The aim of this Procedural Instruction (PI) is to ensure that the Department Home Affairs including the Australian Border Force (ABF) has effective Work Health and Safety Management Systems (WHSMS) in place to eliminate or minimise exposures at the Department's workplaces to communicable diseases and to ensure that the Department meets its legislative obligations on provision of safe and healthy work places under the *Work Health and Safety Act 2011 (Cth)* (WHS Act).

This document details:

- exposure to potential communicable diseases in the workplace and modes of transmission
- reasonably practicable steps to eliminate or minimise the risk of exposure to communicable diseases, and
- procedures for managing workers who may have been exposed to or who have contracted a communicable disease.

The information provided in this document is to assist work areas conduct WHS risk assessments in order to effectively manage communicable disease risks and to formulate work area specific policies and guidelines.

2. Scope

2.1. In Scope

This PI will detail how to identify a risk, assess the risk and control the risk for communicable diseases in the workplace.

2.2. Out of Scope

This PI does not apply to clients accessing Department services.

3. Procedural Instruction

Communicable diseases are pathogen/micro-organisms (bacteria, viruses, fungi or parasites) transmitted to humans from other humans, animals or the environment.

Communicable diseases are transmitted through an infection or contagion, directly or indirectly, or through vector borne agents for example, fruit bats transmit the Hendra virus to horses and humans).¹

¹Medical Dictionary for the Health Professions and Nursing Farlex 2012 (May also be referred to as an Infectious or Contagious Disease).

4. Accountability and responsibilities

Departmental workers have the potential for occupational exposure to communicable diseases in the course of their duties. The risk varies depending on the specific work area and the duties performed, it is therefore important to identify tasks with the potential for exposure to pathogens, assess them and implement risk control measures to eliminate or minimise the risk. Local Standard Operating Work Procedures (SoPs) may be required in combination with controls measures in this PI where there is a residual risk.

The risk management approach to protect workers and others require:

- identification and assessment of tasks with the potential for exposure to pathogens
- development of safe work practices in consultation with workers and Health and Safety Representatives (HSRs)
- provision of up-to-date information, instruction and training about communicable diseases and safe work practices, and
- provision of adequate facilities and equipment, including first aid, personal protective equipment and decontamination kits.

The below table identifies the level of risk based on the work activities undertaken by workers.

Table 1 – Categories and risk level

Category	Risk level
Category A	Office-based workers – No greater risks than the average Australian community risk.
Category B	Workers at airports, ports and inspection facilities - No greater than the average Australian community risk, except front-line workers during a pandemic.
Category C	Use of Force requirement, designated first aid officers – Increased risk of blood borne viruses including Hepatitis B, C and Human Immunodeficiency Virus (HIV).
Category D	Food handlers (e.g. some workers on vessels) – Increased risk of food handlers spreading Hepatitis A and Salmonella Typhus.
Category E	Operational workers with close contact with prospective illegal immigrants and suspect illegal entry vessels (SIEVs), Medivac patient from regional processing centres or overseas vessels – increased risk of disease transmission from direct or prolonged contact with potentially unscreened/unhealthy persons, and the vehicles in which they travel.
Category F	Overseas duties – Risk of destination specific biological hazards

5. Conducting a Risk Assessment

Work area management is responsible for conducting a risk assessment. There are **four main steps** involved in effective WHS risk management:

- **Hazard identification** – identify all hazards that exist (or have potential to exist) in the work area,
- **Risk assessment** – assess the risks that the hazards pose based on the likelihood and consequences of the hazard,
- **Risk control** – control risks using the hierarchy of control, and
- **Monitor and review** – monitor and evaluate the effectiveness of control measures.

It is a legislative requirement to consult with workers and where relevant, other persons conducting a business or undertaking (PCBUs), such as contractors or shared workplace sites.

Consultation must occur during the risk management process. Refer to the Procedural Instruction - WHS Consultation HR-2185.

5.1. Identify the Hazard

Many communicable diseases are common in Australia. Others are rare or non-existent in Australia but may be encountered when people travel to or from overseas or are brought into Australia by travellers, animals, goods or substances.

Some diseases can be spread by more than one method or mode of transmission and with many micro-organisms 'contact' can be either 'direct' from infected people or 'indirect' by contaminated surfaces and articles.

The list of common and/or dangerous communicable diseases / pathogens, are grouped by mode of transmission below.

5.2. Mode of transmission

Table 2 – Modes of Transmission and examples

Mode of Transmission	Examples of Diseases
<p>Airborne - small particles (< 5um) that are capable of remaining suspended in the air for long periods of time in droplets or dust. These can cause infection when inhaled or deposited on the mucous membranes of the mouth or nose, or the conjunctivae of the eye of a susceptible person</p>	<ul style="list-style-type: none"> • Chicken-pox (also contact with lesions) • Measles • Legionnaire's disease • Tuberculosis
<p>Droplet - larger particles (> 5um) generated by the respiratory systems of an infected person by sneezing, coughing and talking that can carry for approximately 1metre before falling from the air. These particles can infect a person when they come in contact with the mouth, nose, or eyes.</p> <p>Contact can either be direct or indirect (pathogens land on surfaces which are then touched with the hand and then transferred to the mucous membranes of the mouth or nose, or the conjunctivae of the eye of a susceptible person).</p>	<ul style="list-style-type: none"> • Common cold • Diphtheria (pharyngeal) • Influenza • Meningitis • Mumps • Scarlet Fever • Streptococcal (sore throat) • Pertussis (Whooping cough) • Mycoplasma pneumonia

Unclassified

Mode of Transmission	Examples of Diseases
	<ul style="list-style-type: none"> • Sudden Acute Respiratory Syndrome (SARS)
Faecal-Oral Ingestion (e.g. via contaminated food or water)	<ul style="list-style-type: none"> • Cholera • Cryptosporidiosis • Giardiasis • Hand, foot and mouth disease • Hepatitis A & E • Hydatid Disease • Poliomyelitis • Rotavirus Infection • Salmonella Infection
Physical Contact - Diseases that require physical contact for transmission	<ul style="list-style-type: none"> • Head lice • Ringworm • Scabies • Staphylococcus Aureus (MRSA)
Secretions / Inoculation – this includes contact with blood and other body fluids through direct injection (e.g. needle stick injuries) or entry via cuts, open wounds, or mucous membranes (mouth, nose, eyes), and insect or animal bites.	<ul style="list-style-type: none"> • Conjunctivitis • Dengue Fever • Glandular Fever • Hepatitis B • Hepatitis C • Herpes • HIV/AIDS • Malaria • Meningitis • Rabies • Ross River Virus • Tetanus • Viral Haemorrhagic Fever • Yellow Fever • Zika Virus
Zoonosis – transmission from animal to human - contracted in the course of work involving handling or contact	<ul style="list-style-type: none"> • Q fever • Anthrax • Leptospirosis

Mode of Transmission	Examples of Diseases
with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products	<ul style="list-style-type: none"> • Brucellosis • Hendra Virus • Avian Influenza • Psittacosis • Mycobacterium Bovis.

5.3. Types of Influenza (Flu)

5.3.1. Pandemic Influenza

An influenza pandemic occurs when:

- a new subtype of influenza virus emerges in humans which most people have not been previously exposed to and are, therefore, highly susceptible
- the virus has potential to cause disease in humans, and
- the virus is easily and rapidly spread between humans, infecting large numbers of people worldwide with the potential to cause many deaths.

In the absence of immunity, a new influenza strain can spread rapidly across the globe, causing worldwide epidemics or a pandemic, with high numbers of cases and deaths. For example, 'Swine Flu' or 'H1N1'.

Work areas are responsible for developing work area specific guidelines and procedures regarding business continuity and protecting workers during a pandemic influenza outbreak if / when this occurs.

5.3.2. Key milestones in a National Influenza Pandemic

The Commonwealth, State and Territory and Local government representatives consult on the timing and implementation of any announcement. Depending on the characteristics of the pandemic, including the transmissibility, virulence, response to treatment and response imperatives, the Prime Minister, or delegated Minister, may make a public announcement. The National Pandemic Emergency Committee (NPEC), chaired by the Department of the Prime Minister and Cabinet, will provide strategic policy advice to leaders on issues that require a nationally consistent approach, including communications.

When an influenza pandemic affects Australia, more information and support tools will be made available quickly through various media including the internet, media briefings and advertising to help the community deal with the situation at hand.

Refer to the National Action Plan for Human Influenza Pandemic for more information [Australian Health Management Plan for Pandemic Influenza \(AHMPPI\)](#).

Information and updates will be provided to workers on any changes in processes and control measures during a pandemic event as soon as possible.

5.3.3. Seasonal Influenza

Influenza 'flu' is a viral infection of the respiratory system. The influenza viruses that circulate every winter are often similar to those from the preceding winter, so there is already a level of immunity (body defences) in the community.

5.3.4. Methods of identification of communicable diseases

Workers should seek a medical diagnosis if they become aware of a possible infection. There are a variety of ways to identify the presence of a communicable disease including:

- **Physical symptoms:** such as coughing, sneezing, signs of weakness, unusual skin colour, swelling, or blotches or marks on the skin, bleeding, changed tongue colour, and
- **Reported symptoms:** the person may report that they feel unwell or have recently displayed symptoms.
- **Check labelling** and safety data sheets for warning or hazard signs such as Biohazard
- **Look for potential disease carriers** (e.g. mosquitoes, rodents and other animals)
- **Inspect work areas** for syringes (sharps) and identify tasks that may expose workers to concealed sharps
- **Check foodstuffs and drinks** for signs of contamination
- **Conduct workplace hazard inspections** or refer to previous inspections
- **Monitor news and health information** services to keep up to date on any disease outbreaks, and
- **Review** previous WHS Incident Reports.

5.3.5. Assess the Risk

Once a communicable disease has been confirmed by a worker, a new Risk Assessment should be conducted by the work area or the responsible manager.

Depending on the nature of the work and the work environment, the Risk Assessment should consider the:

- nature of the disease and its prevalence in particular Departmental work environments
- mode of transmission and likelihood of the disease being transmitted in the workplace
- type and frequency of potential exposure to a disease
- workplace layout and work practices and their impact on the risk of exposure
- risk of serious health effects from exposure and the availability (or non-availability) of medical and first aid services as well as Personal Protective Equipment (PPE)
- knowledge and training of workers regarding communicable diseases, including safe work practices and supervision
- individual health profiles, including past exposure, vaccination history and individual susceptibility of workers, and
- current risk control measures and the need for new risk control measures.

In general terms many Risk Assessments associated with communicable diseases will be in the low to medium risk categories as:

- the most dangerous diseases with the worst consequences are non-existent or very rare in Australia
- vaccination programs within Australia are well established and provide effective protection against many common diseases, including serious ones
- many diseases can be avoided through simple preventive strategies or chemoprophylaxis
- Australia has effective quarantine measures which limit the introduction and spread of diseases into Australia
- Australia has effective education processes and a widespread use of control measures to limit disease transmission, and
- experience shows the likelihood of contracting most diseases is not increased substantially by the work environment or the work itself.

The increasing flow of people and goods into Australia from other countries, the emergence of new infectious diseases, or new strains of disease (i.e. influenza variants) and variations in individual health could increase the risk rating.

Some Risk Assessments will be in the medium to high categories due to the potential outcomes such as needle-stick injury, where the potential consequences may include exposure to hepatitis and human immunodeficiency viruses.

5.3.6. Control the Risk

Risk control measures commence with eliminating the risk of exposure to serious communicable diseases through work design, procedures and education to workers.

Consider minimising the risk through:

- eliminating work practices (this may not be possible) which involve unnecessary potential exposure to disease
- applying and promoting effective hygiene work practices
- containing or isolating the source of the infection
- substituting or redesigning work methods or supervision
- segregating processes to reduce the numbers exposed
- applying good housekeeping and waste management practices
- immunising workers or providing prophylactic medication, and
- using Personal Protective Equipment (PPE).

5.3.7. Minimising risk of influenza infection

Vaccines offer the best protection, however there are many simple ways people can substantially reduce their risk of being infected by or spreading the influenza virus. These include:

- maintaining a physical distance from people who might be infected (minimum 1metre is sufficient)
- frequent and thorough hand washing, particularly after coming into contact with people who might be infected, coughing or sneezing
- cough and sneeze etiquette
- staying home from work when unwell.

If a pandemic occurs, workers should wear a face mask or other similar available PPE. The Department of Health provides a '[National Medical Stockpile](#)' of PPE available for relevant work areas within the Department **only** during the event of a pandemic.

5.3.8. Vaccination Strategies

Vaccinations or other medical treatment against various diseases can reduce exposure risks and help protect workers.

Examples of where vaccinations may be appropriate are when:

- the worker is required to travel overseas and the risks of exposure to specific diseases increase (including Marine Crew)
- a worker may face increased risks in their job (such as FAOs who may face increased risks of exposure to Hepatitis B), and
- workers have been potentially exposed to a disease from a workplace WHS incident.

Note - refer also to the First Aid Procedural Instruction HR-2129 for information regarding recommended vaccinations for designated First Aid Officers.

Appendix A lists recommended vaccines for workers. However, workers should seek advice from a medical practitioner regarding any additional recommendations due to seasonal outbreaks.

Only suitably qualified medical practitioners can prescribe and give the vaccinations and other medical treatments.

Note: Tuberculosis cannot be prevented by vaccine, but can be screened for exposure and exposed individuals should be offered treatment options

5.4. Routine Hygiene and using Personal Protection Equipment (PPE)

Routine hygiene and use of PPE may assist in minimising spread of communicable diseases, including:

- frequent and thorough hand washing with soap and water (or medicated or alcoholic hand wipes or hand sanitiser where hand washing is not possible) particularly before eating, smoking or rest breaks
- avoid touching your face with your hands. The mucous membranes of the nose and mouth, and the conjunctivae of the eye are entry points for micro-organisms
- regularly cleaning, disinfecting and / or sterilising equipment and work surfaces
- contact with the blood or other bodily fluids of others
- mandatory wearing disposable gloves when handling blood or body fluids and washing hands immediately after removing gloves (gloves cannot be guaranteed to remain intact during use)
- cleaning up all spills of blood and blood contaminated fluids in a timely and safe manner with the appropriate equipment, disposing of infectious waste through appropriate waste disposal processes
- covering cuts or abrasions with waterproof dressings at all times while on duty
- wearing clothing and gloves that are appropriate to the operational task and meet Australian Standards
- ensuring personal equipment such as toothbrushes, razors, nail files or nail scissors (which could puncture the skin and thus spread blood) are not shared
- not drinking water on board any vessel other than from sealed bottles
- ensuring potentially hazardous items are safely handled, stored and transported
- safely disposing contaminated tissues, sanitary napkins and other dressings, and
- where possible, handling sharps using a 'hands free' technique with appropriate PPE, and
- disposing of needles and other sharps (e.g. razors) in clearly labelled impermeable containers that meet current Australian Standards.

When PPE is provided to workers, work area specific guidelines on use, storage and maintenance as well as training in its correct usage is required.

Note: refer to the Personal Protective Equipment Procedural Instruction HR-1643 and any local work area specific procedural instructions, SOPs, other local guidance materials for additional information.

5.5. Safe disposal of discarded sharps

Some tasks may expose workers to discarded sharps. The potential consequences of a needle-stick injury are serious and as such, every precaution must be taken to minimise the risk of such an injury.

PPE appropriate for the task should be obtained and used whenever there is a risk of needle-stick injury.

When removing sharps from Department workplaces, make arrangements for the transport and disposal of the sharps container in accordance with local council and state / territory regulations.

Do not place the sharps container in the general waste.

Do not attempt to handle a sharp by hand unless the sharp poses an immediate threat to the health and well-being of others in the area. If handling is unavoidable or necessary for any other reason, the safest way to retrieve the sharp is to hold the barrel of the syringe in a gloved hand.

Appendix B contains additional information on recommended processes for removing sharps.

5.6. Training and Information

Use up-to-date and effective information and training strategies to ensure all workers know the risks communicable diseases pose and how safe work practices can limit these risks. Information should be available in various media, accessible to workers at different locations and includes:

- creating work area specific guidelines and procedures if none exist for known threats
- understanding and complying with existing work area specific guidelines
- storing, maintaining and using PPE appropriately
- following the WHS incident reporting processes, applying changed work procedures after a risk assessment to limit risks in the changed environment
- appropriate protocols for safe food preparation and laundry facilities in the workplace
- awareness of communicable diseases symptoms, and
- education about the hazard and risk in the work areas for example, mosquito protection.

5.7. Monitor and Review

The risk assessment and risk control measures implemented must be regularly reviewed, and if necessary, revised to make sure they are effective in reducing the risks and to maintain, so far as is reasonably practicable, a work environment that is without risks to health and safety of workers.

All records of the reviews undertaken must be maintained in accordance with the Department's record-keeping policies.

5.8. Workers with a Communicable Disease

Any worker who knows or suspects that they may have contracted a communicable disease must take reasonable care not to transmit that disease to others and seek appropriate medical advice/care.

While workers are not under a general obligation to disclose their disease status, it is expected that they would exercise a duty of care towards others in the workplace and meet the requirements under section 28 'Duties of workers' of the WHS Act 2011 (*Cth*) specifically where while at work, a worker must "take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons".

If a manager suspects, or knows, that a worker has a communicable disease and the worker does not disclose this, several options are available:

- request a medical certificate be provided from the worker's medical practitioner stating that they are fit for duty
- send the worker home (on paid personal leave if available)
- ask the worker to book an appointment with a medical practitioner and / or
- quarantine or isolate the worker from others until their condition is reliably confirmed.

If the worker discloses a communicable disease, the information is subject to the provisions of the *Privacy Act 1988* and the Departments records management policies.

Some workers with a communicable disease that are no longer infectious may wish to work as long as their condition allows. The Department will support these workers, provided that they are fit to be in the workplace, by applying appropriate policies and procedural instructions for example injury management, reasonable adjustment, rehabilitation and return to work. This might involve applying reasonable adjustment principles to modify the work or workplace to meet the worker's needs.

5.9. Reporting incidents of occupational exposure

You must immediately report to a supervisor, any incident where a worker is, or was potentially, exposed to a communicable disease in the workplace. Workers are also required to enter a WHS Incident report as well.

Depending on the nature of the incident, the nature of the disease and an appropriate risk assessment, the following action may be required:

- provide or ensure first aid treatment
- refer the worker to an appropriate medical service as soon as practicable to get a medical examination assessing the need for medical treatment; and / or information to help investigate and assess the incident
- refer the worker to other services as appropriate, including counselling where necessary
- notify Emergency Services or Health Authorities
- investigate the incident
- assess if the incident could be required to be notified to Comcare by contacting the [WHS incidents team](#)
- take appropriate remedial action to prevent a possible recurrence and / or limit exposure to others.

Note: refer to the WHS Incident Management and Reporting - Procedural Instruction HR-2186 for more detailed information regarding reporting requirements and investigating WHS incidents.

6. Statement of Expectation

6.1. Directions

The APS Code of Conduct states that 'an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction' (subsection 13(5) of the Public Service Act 1999).

Failure by an APS employee to comply with any direction contained in a PPCF document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions up to and including termination of employment, as set out in subsection 15(1) of the Public Service Act 1999.

The Secretary's Professional Standards Direction, issued under subsection 55(1) of the Australian Border Force Act 2015, requires all IBP workers who are not APS employees (such as contractors or consultants) to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in a PPCF document may be treated as a breach of the Professional Standards Direction, which may result in the termination of their engagement under section 57 of the Australian Border Force Act 2015. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

6.2. Policy, Guidance and Recommendations

For all other provisions of policy and procedural control framework documents, the Secretary and the Commissioner expect all Home Affairs employees to:

- consider whether a proposed departure from any provision set out in a framework document is reasonable and justified in the circumstances;
- consider the risks of departing from any provision set out in a PPCF document;
- be responsible and accountable for the consequences of departing from, or not adhering to the content of, all PPCF documents, including where such departure or non-adherence results in a breach of any legal or other obligations which lead to adverse outcomes for the Department;
- be responsible for documenting the reasons/justification for their decision to depart from, or not adhere to, any PPCF document.

6.3. Exercise of Legislative Powers and Functions

IBP workers who make decisions or who exercise powers or functions under legislation have a duty to make these decisions or exercise these powers or functions in accordance with the requirements of the legislation and legal principle.

7. Accountability and Responsibility

Role	Description
The Department	As the Person Conducting a Business or Undertaking (PCBU) the Department has the primary duty under the WHS Act to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking.
Officers	Officers have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and WHS Regulations. This includes taking reasonable steps to: <ul style="list-style-type: none"> • acquire and keep up-to-date knowledge of work health and safety matters • understand the business operations and general hazards and risks associated with those operations

Role	Description
	<ul style="list-style-type: none"> ensure there are appropriate resources and processes available to the department; and is used, to identify, eliminate or minimise risks to health and safety ensure there is an appropriate hazard, risk, incident notification and management framework in place to enable timely responses and actions to occur ensure that processes are implemented for complying with any duty or obligations under the WHS Act and WHS Regulations ensure that resources and processes are verified, monitored and reviewed, ensure that relevant policies and procedures are up-to-date, effectively implemented through appropriate training and supervision, and monitored and reviewed regularly.
Managers/Supervisors	<p>Managers and supervisors are responsible for the establishment of a systematic process for the identification of hazards, the completion of risk assessments and ensuring that appropriate risk control measures are effectively implemented and reviewed in the work area.</p> <p>Managers and supervisors are responsible for ensuring workers receive appropriate training in safe work procedures and that workers and Health and Safety Representatives (HSRs) are consulted on health and safety matters.</p>
Workers	<p>Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.</p>
Workforce Health and Safety Section	<p>Workforce Health and Safety Section are responsible for the development, implementation and maintenance of national health and safety policies and procedures, systems and initiatives.</p> <p>The Workforce Health and Safety Section provides a professional consultancy service to the department, management and workers on WHS legislation and health and safety risk management.</p>

8. External References

- Safe work Australia Guidance material: How to manage work health and safety risks model code of practice
- Health for Industry, Report for Australian Customs and Border Protection Service, 2010 (reviewed 2014)
- Department of Health, Prepared and Protected – Infection Control and Personal Protective Equipment for Respiratory Diseases – DVD and CD ROM
- National Action Plan for Human Influenza Pandemic September 2011

9. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1	February 2017	Workforce Health and Safety Section	Integrated department review
2	October 2017	Workforce Health and Safety Section	Amended document
3	December 2017	Workforce Health and Safety Section	Minor revisions
4	November 2019	Workforce Health and Safety Section	Minor input changes

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	Is the operational arm of the Department of Home Affairs.
Chemoprophylaxis		Refers to the administration of a medication for the purpose of preventing disease or infection. Antibiotics, for example, may be administered to prevent bacterial infection.
Due Diligence		<p>Officers have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and WHS Regulations. This includes taking reasonable steps to:</p> <ul style="list-style-type: none"> • acquire and keep up-to-date knowledge of work health and safety matters • understand the business operations and general hazards and risks associated with those operations • ensure there are appropriate resources and processes available to the department; and is used, to identify, eliminate or minimise risks to health and safety • ensure there is an appropriate hazard, risk, incident notification and management framework in place to enable timely responses and actions to occur • ensure that processes are implemented for complying with any duty or obligations under the WHS Act and WHS Regulations • ensure that resources and processes are verified, monitored and reviewed, • ensure that relevant policies and procedures are up-to-date, effectively implemented through appropriate training and supervision, and monitored and reviewed regularly.
Immigration and Border Protection worker	IBP worker	<p>For the purposes of the Australian Border Force Act 2015, a Immigration and Border Protection worker means:</p> <p>(a) an APS employee in the Department; or</p> <p>(b) a person covered by paragraph (d), (e) or (f) of the definition of officer of Customs in subsection 4(1) of the Customs Act 1901; or</p> <p>(c) a person covered by paragraph (f) or (g) of the definition of officer in subsection 5(1) of the Migration Act 1958; or</p> <p>(d) a person who is:</p> <ul style="list-style-type: none"> (i) an employee of an Agency (within the meaning of the Public Service Act 1999); or (ii) an officer or employee of a State or Territory; or

Released by Department of Home Affairs under the Freedom of Information Act 1982

Unclassified

Term	Acronym (if applicable)	Definition
		<p>(iii) an officer or employee of an agency or authority of the Commonwealth, a State or a Territory; or</p> <p>(iv) an officer or employee of the government of a foreign country, an officer or employee of an agency or authority of a foreign country or an officer or employee of a public international organisation;</p> <p>and whose services are made available to the Department; or</p> <p>(e) a person who is:</p> <p style="padding-left: 20px;">(i) engaged as a consultant or contractor to perform services for the Department; and</p> <p style="padding-left: 20px;">(ii) specified in a determination under subsection 5(1); or</p> <p>(f) a person who is:</p> <p style="padding-left: 20px;">(i) engaged or employed by a person to whom paragraph (e) or this paragraph applies; and</p> <p style="padding-left: 20px;">(ii) performing services for the Department in connection with that engagement or employment; and</p> <p style="padding-left: 20px;">(iii) specified in a determination under subsection 5(2).</p>
Officer		<p>Section 247 (s247) of the WHS Act defines an Officer as a person who makes, or participates in making, decisions that affect the whole or a substantial part of the business or undertaking of the PCBU.</p> <p>An Officer for the purpose of s247 could include, but is not limited to the Secretary, Deputy Secretaries, Chief Financial Officer and the ABF Commissioner. An Officer could also extend to include Senior Executive Service (SES) Band 1, 2 or 3 where the individual satisfies the Section 247(1) criteria.</p>
Pathogen		A bacterium, virus, or other microorganism that can cause disease
Person conducting a business or undertaking	PCBU	For the purposes of the WHS Act, a 'person conducting a business or undertaking' (PCBU) is the Department of Home Affairs.
Personal Protective Equipment	PPE	Anything used or worn by a person to minimise risk to the person's health and safety.
Reasonably Practicable		Reasonably practicable is a term used in relation to the duty to ensure health and safety. Under Section 18 of the WHS Act, reasonably practicable is that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:

Unclassified

Term	Acronym (if applicable)	Definition
		<p>(a) the likelihood of the hazard or the risk concerned occurring; and</p> <p>(b) the degree of harm that might result from the hazard or the risk; and</p> <p>(c) what the person concerned knows, or ought reasonably to know, about:</p> <ul style="list-style-type: none"> (i) the hazard or the risk; and (ii) ways of eliminating or minimising the risk; and (d) the availability and suitability of ways to eliminate or minimise the risk; and <p>(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.</p>
Risk		The likelihood and consequences of a hazard causing injury/illness.
um		Is a form of measurement, specifically micrometre. A micrometre is a common unit of measurement for the sizes of biological cells and bacteria.
Vector transmission		An organism, typically a biting insect or tick that transmits a disease or parasite from one animal or plant to another.
Work Health and Safety	WHS	Is the term used to describe the function of ensuring people are safe whilst at a workplace or undertaking work. This includes not just physical health but also psychological (mental) health.
<i>Work Health and Safety Act 2011 (Cth)</i>	WHS Act	is the federal work, health and safety legislation that is applied to all federal government agencies and departments regardless of the physical location of the workplaces
<i>Work Health and Safety Regulations 2011 (Cth)</i>	WHS Regs	Is the supplementary federal work, health and safety legislation that is applied to all federal government agencies and departments regardless of the physical location of the workplaces
Worker		<p>Under Section 7 of the WHS Act, a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or

Unclassified

Term	Acronym (if applicable)	Definition
		(e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.
Workplace		A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. For the purposes of this policy, workplaces are those under control of the Department, including (but not limited to): <ul style="list-style-type: none"> • offices • client service delivery areas • kitchens • canteens • staff rooms • conference/meeting and training rooms • toilets • foyers • stairways and lifts • carparks located within the basement level(s) or enclosed area(s) of buildings occupied by the Department • clients' homes • vessels and aircraft operated by or on behalf of the Department • vehicles operated by the Department.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Australian Border Force Act 2015	Section 4 Definitions (1)	Immigration and Border Protection worker	N/a	N/a
Work Health and Safety Act 2011 (Cth)	Section 5	Meaning of person conducting a business or undertaking (PCBU)	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 7	Meaning of worker	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 8	Meaning of workplace	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 17	Management of risks	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 18	What is reasonably practicable in ensuring health and safety	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 19	Primary duty of care	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 20	Duty of PCBU involving management or control of workplaces	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 27	Duty of officers	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 28	Duties of workers	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 29	Duties of other persons at the workplace	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 38	Duty to notify of notifiable incidents	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 39	Duty to preserve incident sites	No	N/a

Released by Department of Home Affairs under the Freedom of Information Act 1982

Unclassified

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Work Health and Safety Act 2011 (Cth)	Part 5	Consultation, representation, and participation	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 171	Power to require production of documents and answers to questions	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 193	Compliance with improvement notice	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 197	Compliance with prohibition notice	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 200	Compliance with non-disturbance notice	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 210	Display of notice	No	N/a
Work Health and Safety Act 2011 (Cth)	Section 247	Officers	No	N/a
Work Health and Safety Regulations 2011 (Cth)	Section 9	Provisions linked to health and safety duties in Act	No	N/a
Work Health and Safety Regulations 2011 (Cth)	Section 297	Management of risks to health and safety	No	N/a
Work Health and Safety Regulations 2011 (Cth)	Part 7.1 Division 5	Control of risk - Obligations of PCBUs	No	N/a
Work Health and Safety Regulations 2011 (Cth)	Part 7.1 Division 6	Health monitoring	No	N/a
Work Health and Safety Regulations 2011 (Cth)	Section 699	Incident Notification – prescribed serious illnesses	No	N/a
Legislative Instrument - Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2015	Whole Document	Whole Document	No	N/a
Privacy Act 1988	Whole document	Whole document	No	No

Released by Department of Home Affairs under the Freedom of Information Act 1982

1.2. Controls and Assurance

Related Policy	<p>HR-1230 Work Health and Safety Governance Arrangements - Policy Statement</p> <p>HR-2155 Work Health and Safety Information Management Systems - Policy Statement</p>
Procedures / Supporting Materials	<p>HR-2129 First Aid - Procedural Instruction</p> <p>HR-3143 Health and Safety Representatives - Procedural Instruction</p> <p>HR-2164 Managing Psychosocial WHS Risks - Procedural Instruction</p> <p>HR-1643 Personal Protective Equipment - Procedural Instruction</p> <p>HR-2185 Work Health and Safety Consultation - Procedural Instruction</p> <p>HR-2134 Work Health and Safety Hazard Identification and Risk Assessment - Procedural Instruction</p> <p>HR-2186 Work Health and Safety Incident Management and Reporting - Procedural Instruction</p>
Training/Certification or Accreditation	Not Applicable
Other required job role requirements	Not Applicable – No specialist training required
Other support mechanisms (eg who can provide further assistance in relation to any aspects of this instruction)	Workforce Health and Safety Section, People Management Branch, People Division - ^{s22(1)} (a)(ii) @homeaffairs.gov.au
Escalation arrangements	Not Applicable
Recordkeeping (eg system based facilities to record decisions)	Total Record Information Management (TRIM) system, Hazard Management System (via EasySAP), WHS Incident Reporting System (via EasySAP)
Control Frameworks (please refer to a specific document outlining QA or QC arrangements)	
Job Vocational Framework Role	This document applies to all job families and job roles within the Department of Home Affairs including the Australian Border Force.

Released by Department of Home Affairs under the Freedom of Information Act 1982

Attachment C – Consultation

1.1. Internal Consultation

The following internal stakeholders have been consulted in the development of this PI:

- WHS Advisors
- National Health and Safety Committee
- Regional Health and Safety Committees
- Health and Safety Representatives
- Health Services Division
- Legal Services Division
- Records Management Section

1.2. External Consultation

The following external stakeholders were consulted in the development of this PI:

- Community and Public Sector Union (CPSU) via the National Health and Safety Committee
- s47F [REDACTED], Health for Industry, Health Services Australia (PD10)

Appendix A - Vaccination Recommendations

Risk Category:	Office Based Work	Operational workers	First Aid Officers	Use of Force	Food handler	Maritime Ops Southern Ocean	Maritime Ops Northern Waters	Overseas travel
Vaccine	A	B	C	C	D	E	E	F
Encourage update routine vaccines *(Polio, Tetanus, Measles, Mumps, and Rubella etc.)	•	•	•	•	•	•	•	•
Seasonal Flu	•	•	•	•	•	•	•	•
Hepatitis -B			•	•		•	•	•
Hepatitis-A					•	•	•	•
Polio						•	•	❖
Japanese Encephalitis (Jap E)						• (PD3)	•	❖
Tuberculosis (TB) Testing						• (PD4)	•	❖
Meningococcal (PD5)						• (PD6)	•	•

• = indicated

❖ = may be indicated depending on destination

* = it is expected employees would be vaccinated by their GP in accordance with the National Immunisation Program Schedule as at 1 April 2019.

Source: *Health for Industry, Health Services Australia – Report for Australian Customs and Border Protection 2010 (reviewed 2014).*

Appendix B - Process for removing sharps

Workers must ensure they as reasonably practicable, protect themselves and others from contracting a communicable disease from sharp objects in the workplace.

Contact through puncture injuries can be avoided and workers should not:

- place their hands into areas where their hands or fingers are not clearly visible (e.g. rubbish bags and receptacles)
- manually compress rubbish bags, and
- hold rubbish bags close to the body or by the base of the bag.

When discarded sharps are located, regardless of whether they are clearly visible, the following guidelines should be observed:

- do not touch the sharp before obtaining the appropriate PPE
- do not improvise equipment if the designated PPE is unavailable
- warn others of the threat
- obtain the designated equipment, which should include gloves, an approved contaminated waste container that meets current Australian Standards, or a sealable, puncture resistant container, and forceps or tongs
- take the equipment to the sharp disposal bin
- wear puncture resistant gloves
- open the container and place on a stable, level surface. Do not hold the container because a misdirected needle may contact the hand or forearm and result in a needle-stick injury
- do not attempt to bend, break, re-cap or manipulate the needle in any way
- using the approved forceps or tongs, pick up the sharp, preferably at the opposite end (barrel) of the needle / syringe
- carefully place the sharp into the container, needle end first (do not force the needle into the container). Obtain a larger container if the sharp does not fit, and
- seal the container.



OFFICIAL

Higher duties

Procedural Instruction

Document ID (PPN)	HR-2138
TRIM record number	ADD2022/1535261
BCS Function	Human Resources Management - Advice
Document owner	Assistant Secretary, Workplace Relations and WHS Assurance Branch
Approval date	29 March 2021
Document Contact	Support Connect Portal

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Table of Contents

1. Purpose	3
2. Scope	3
3. Definitions	3
4. Procedural Instruction	5
4.1 Assessing the need for the temporary performance of duties at a higher classification	5
Higher duties – two levels or more above	5
4.2 Higher duties assignment – less than six months	6
4.3 Higher duties assignment – more than six months	7
4.4 Higher duties eligibility	7
Employees and other workers not eligible for higher duties	7
4.5 Other means for filling a temporary vacancy at a higher classification	8
External temporary transfer at level or higher duties	8
Casual employees	8
Non-ongoing employees	8
4.6 Releasing employees from another work area	8
4.7 Revocation or early cessation of higher duties	9
4.8 Review process	9
4.9 Payment of higher duties allowance	9
4.10 Higher duties allowance rate	9
4.11 Higher duties and performance development agreements	10
4.12 Eligibility for an increase to higher duties allowance	11
4.13 Recognition of higher duties performance on promotion	12
4.14 Payment of higher duties allowance during periods of leave	12
4.15 Payment of higher duties while suspended	12
4.16 Higher duties in an SES role	12
5. Consultation	13
5.1 Internal Consultation	13
5.2 External Consultation	14
6. Accountability and Responsibility	14
7. Version Control	15
Attachment A – Assurance and Control Matrix	16
1.1. Powers and Obligations	16
1.2. Controls and Assurance	16

1. Purpose

- 1.1. This Procedural Instruction (PI) provides details on the temporary performance of duties at a higher classification (higher duties) by eligible employees under the [Department of Home Affairs Workplace Determination 2019](#) (the WD) and the [Department of Home Affairs Determination 2020/01](#).

2. Scope

- 2.1. This PI applies to all Department of Home Affairs (the Department) employees, including the Australian Border Force (the ABF), but excluding the Senior Executive Service (SES).
- 2.2. This PI does not apply to the employees below who are not eligible for performing higher duties:
- ABF recruits
 - graduates
 - apprentices
 - trainees
 - cadets
 - contractors, consultants and service providers.

3. Definitions

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	As defined in section 4 of the Australian Border Force Act 2015 , the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Australian Public Service	APS	The APS is established under the Public Service Act 1999 . People employed in the APS work in public administration roles within Australian Government departments and agencies.
Casual employee		A non-ongoing employee engaged under section 22(2)(c) of the Public Service Act 1999 for duties that are irregular or intermittent.
Continuous higher duties		Where an employee is on higher duties and has not reverted to their substantive classification between periods of higher duties. (If higher duties is continuous, an extension of higher duties should include the weekends, public holidays and rostered days off).
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to HR Delegations .

OFFICIAL

Term	Acronym (if applicable)	Definition
Department of Home Affairs	The Department	The Department of Home Affairs.
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2020/01.
Department of Home Affairs Determination 2020/01	Section 24(1) determination	A determination made by the Secretary under section 24(1) of the Public Service Act 1999 that outlines the remuneration arrangements (increases to salary and salary related allowances) up until 9 February 2023.
Employee		An ongoing or a non-ongoing employee engaged under section 22 (2) of the Public Service Act 1999 .
Manager		Means the supervisor, section head or team leader of an employee.
Performance Development Agreement	PDA	An agreement between an employee and their manager for the performance management cycle. A PDA sets out the outcomes to be achieved, how the outcomes will be achieved, planned development activities, and how performance will be measured. PDAs are online documents that are held in OurPeople .
Public Service Act 1999	PS Act	The PS Act governs the establishment and operation of, and employment in, the APS. It also sets out the rights and obligations of APS employees, including the expected standards of integrity and behaviour.
Secretary		The appointed agency head of the Department.
Variable working hours arrangement	VWH arrangement	An arrangement between an employee and their manager to: <ul style="list-style-type: none"> • vary the ordinary working hours or standard working day for a full-time employee on a regular basis, or • support an employee to work less than a standard working week of 37 hours 30 minutes (or 75 hours per fortnight), or average thereof.
Working day		Where an employee: <ul style="list-style-type: none"> • is a full-time employee or works standard hours, a “working day” is Monday to Friday, 7.5 hours per day • has a VWH arrangement (full-time or part-time), “working days” are the days and hours agreed in the VWH arrangement.is a shift worker or a Marine Unit employee, “working days” are those days and hours the employee is rostered for duty.

Released by Department of Home Affairs under the Freedom of Information Act 1982

4. Procedural Instruction

4.1 Assessing the need for the temporary performance of duties at a higher classification

- 4.1.1 The Secretary or their delegate may from time to time determine the duties to be performed by an employee and the location at which those duties are to be performed. This includes where an employee agrees to move temporarily to a higher classification.
- 4.1.2 The decision to temporarily assign an employee to higher duties must:
- be transparent and fair
 - apply the principles of equity and merit consistently
 - be in accordance with the APS Values and Employment Principles.
- 4.1.3 Before temporarily assigning an employee to higher duties, the delegate must confirm that:
- there is a genuine need to fill the vacancy
 - the most efficient way of filling the vacancy is by temporarily assigning higher duties.
- 4.1.4 The decision to assign an employee to higher duties should be based on the assessment of the employee's work-related qualities and the work-related qualities genuinely required to perform the relevant duties (including any mandatory qualifications if required).
- 4.1.5 The primary considerations for a delegate when assigning an employee to higher duties to fill a vacancy include:
- the availability of funding for the vacancy to be filled temporarily
 - the anticipated length of the vacancy and whether it is more appropriate to fill the position permanently
 - whether the vacant position has associated delegations that need to be exercised during the period of the vacancy
 - whether there are critical events that will be occurring during the period
 - the structure of the work area and the possible redistribution of duties
 - the Work Level Standards for the higher classification level and the suitability of potential candidates to undertake the role
 - the opportunity to provide an employee with experience in performing higher duties (succession planning and learning and development)
 - the risk to achieving business outcomes if the position is not filled.
- 4.1.6 Employees are not obligated to perform higher duties. However, they are encouraged to accept these opportunities for their own development and to assist the work area in succession planning.
- 4.1.7 Where the higher duties position has a higher security classification than the employee currently holds, the employee will need to apply for and obtain a security undertaking before the higher duties can be approved. For further information on this process, contact s22(1)(a)(ii) @homeaffairs.gov.au.

Higher duties – two levels or more above

- 4.1.8 Generally, employees should not be requested to perform higher duties at a classification two or more levels above their substantive classification. However, there may be circumstances where higher duties two or more levels above the employee's substantive classification can be approved. For example:

OFFICIAL

- there is a business or operational requirement for the position to be filled
- the employee has the required skills to perform the duties at a classification more than one level above their substantive position, and/or
- no other suitable employee is identified or available.

4.1.9 It is preferred the employee selected is only acting one level above their nominal classification. In instances where there are no alternatives, the most suitable employee may act two levels above their nominal classification.

4.1.10 Where higher duties two or more levels above substantive classification is approved, it would generally not extend beyond one month. It is expected that longer-term periods are rare and subject to senior level scrutiny; and an employee with relevant skills and experience is fulfilling the role.

4.1.11 The following levels of approval are required:

Substantive Classification	Higher Duties Classification	Level of approval
APS 1-4	APS 2-6	The position's immediate line manager
APS 1-4	Executive Levels 1 and 2 SES officers	Deputy Commissioner/ SES Band 3/Group Manager
APS 5 and above	All requests for two levels or above	Deputy Commissioner/ SES Band 3/Group Manager

4.2 Higher duties assignment – less than six months

4.2.1 Where the expected vacancy is less than six months, managers can rely on their knowledge and understanding of their employees' work related skills and abilities and the requirements of the position when identifying the most appropriate person to perform the higher duties.

4.2.2 Options for filling a vacancy for less than six months include:

- assigning an employee to perform the entire period of higher duties as a career development opportunity, based on an assessment of the employee's skills and capabilities
- undertaking an informal expression of interest (EOI) process within the branch or division.

4.2.3 If a manager decides to assign an employee for higher duties for less than six months, the delegate may agree to the movement without the requirement for a competitive selection process. The delegate must take into account the requirement for an assessment of an employee's work related qualities against the work related requirements of the position, and the requirement for transparency and procedural fairness in the decision making process. The employee must possess all the mandatory qualifications required to undertake the duties of the role.

4.2.4 If there are no suitable employees to perform the higher duties identified from within the work area, then an EOI may be used to broaden the potential field of interested candidates.

4.2.5 The decision to fill a position on higher duties, including the reasons and approach, should generally be discussed with all employees in the work area who may express an interest or who would normally expect to be considered for the higher duties opportunity. Where there is a requirement for the period of higher duties to be extended beyond the six month period, an EOI process must be undertaken in accordance with the [Recruitment - Procedural Instruction \(HR-2171\)](#).

4.2.6 For further information on EOI processes, refer to the [Recruitment - Procedural Instruction \(HR-2171\)](#).

4.3 Higher duties assignment – more than six months

- 4.3.1 If a position is expected to be temporarily vacant for six months or more, or an existing higher duties arrangement is to extend beyond six months, an EOI process must be undertaken in accordance with the [Recruitment - Procedural Instruction \(HR-2171\)](#).
- 4.3.2 It is not expected that higher duties will continue past 12 months, though this may occur from time to time, for example, to provide backfilling when an employee is on extended leave.
- 4.3.3 Where a vacancy is expected to exceed 12 months, consideration should be given to filling the vacancy on a permanent basis.
- 4.3.4 For further information on the recruitment process, refer to the [Recruitment - Procedural Instruction \(HR-2171\)](#).

4.4 Higher duties eligibility

- 4.4.1 It is expected that the primary means for filling a temporary vacancy at a higher classification will be through the movement of ongoing employees.
- 4.4.2 Ongoing employees are:
 - full-time employees
 - full-time employees with a VWH arrangement
 - part-time employees with a VWH arrangement.
- 4.4.3 It must not be assumed that an employee currently working part-time would not be willing to undertake higher duties on a full-time (or part-time) basis.
- 4.4.4 The matters to be considered when determining the performance of higher duties by a part-time employee include whether the:
 - position can be filled temporarily on a part-time basis
 - higher duties can be undertaken by more than one part-time employee through a job share arrangement
 - employee is willing to work full-time hours for the period of higher duties.
- 4.4.5 Where it is determined that the temporary vacancy cannot be filled from within the Department's ongoing workforce, [other means for filling a temporary vacancy at a higher classification](#) may be considered.

Employees and other workers not eligible for higher duties

- 4.4.6 The following employees and other workers are not eligible for higher duties for the reasons provided in the table below.

Class of employee or worker	Comments
ABF recruits/graduates/cadets and other entry levels	These groups are undertaking developmental programs that involve specific job placements that must be undertaken for successful completion of the program.
Employees on probation	Employees cannot be considered for higher duties opportunities during their probationary period as this period is used to determine whether the employee is suited to their job at the substantive classification.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Class of employee or worker	Comments
Contractors, consultants and service providers	Contractors, consultants and service providers are not covered by the Department's WD. They are engaged for a specific purpose or task in accordance with the terms and conditions of their contract for services.

4.5 Other means for filling a temporary vacancy at a higher classification

External temporary transfer at level or higher duties

- 4.5.1 Where there are no suitable or available employees within the Department's ongoing workforce (at level or for higher duties), it may be appropriate to move an employee from another Department or Agency through a temporary transfer (under section 26 of the PS Act) where that employee is substantively at the relevant classification level or on higher duties.
- 4.5.2 Further information can be found in the Department's [Recruitment and Onboarding Framework - Policy Statement \(HR-2172\)](#) and the [Recruitment - Procedural Instruction \(HR-2171\)](#).

Casual employees

- 4.5.3 Given the intermittent and irregular nature of the work patterns of casual employees, they would generally not be assigned a temporary period of higher duties.
- 4.5.4 However, a delegate may assign a casual employee to perform a temporary period of higher duties if they consider it appropriate to meet a particular short term and critical business need or operational requirement.
- 4.5.5 When assigning a casual employee a temporary period of higher duties, the delegate must be satisfied that the employee has the work-related qualities genuinely required to perform the relevant duties (including any mandatory qualifications required).

Non-ongoing employees

- 4.5.6 Where it is determined that an ongoing employee cannot fill the temporary assignment of higher duties, a non-ongoing employee who would be suitable to perform the temporary duties can be assigned a temporary period of higher duties.
- 4.5.7 Higher duties would generally not be for a period of more than one month, unless there is a business need or operational requirement.

4.6 Releasing employees from another work area

- 4.6.1 It is generally expected that employees who have been selected to perform higher duties will be released from their work area to take up the position to provide them with a valuable learning and development opportunity.
- 4.6.2 While there is no prescribed timeframe for release, it would generally be expected that the relevant business areas would agree to a release date of no later than four weeks from the date of the selection decision.
- 4.6.3 Where there are business requirements that prevent an employee from being released, the employee's manager should discuss this with the employee before they refuse to release. The manager should then work with the employee to make succession arrangements so the employee can be released in the future.

4.6.4 Release for higher duties should not be routinely denied due to the operational requirements of the area. Developing and expanding the capabilities of the internal workforce is an important and essential aspect of meeting the Department's operational requirements.

4.7 Revocation or early cessation of higher duties

4.7.1 The requirement for employees to perform higher duties may be ceased at any time for the following reasons:

- a change to operational requirements (for example, early completion of a project)
- a change in resources (for example, an employee returning early from leave that was the reason for the temporary vacancy)
- the need to place a displaced employee (for example, an employee who is excess or potentially excess)
- the role is permanently filled by engagement of an employee at the higher classification
- issues relating to employee conduct
- the employee's inability to perform the higher duties with support, in line with the relevant Work Level Standards (including in the absence of a higher duties PDA).

4.7.2 Where an employee's higher duties are being ceased because of conduct or underperformance issues, this must be discussed with the employee prior to any final decision being made to ensure procedural fairness.

4.7.3 When a final decision is made, the delegate must inform the employee and discuss the rationale for the decision to revoke or cease the higher duties. Any employment conditions (for example, allowances) related to the higher duties will cease upon revocation or cessation. Where an underperformance issue is identified, this must also be formally addressed with the employee and managed accordingly. For further information refer to the Performance Management - Procedural Instruction (HR-2159).

4.8 Review process

4.8.1 There is no right of review under the [PS Act](#) for a decision relating to higher duties (regulation 5.23 and Schedule 1 of the Public Service Regulations 1999). This includes a decision not to release an employee from a work area to undertake temporary duties at a higher classification.

4.8.2 Employees may discuss their concerns informally with the delegate or may raise a formal dispute through the Department's dispute resolution terms under part 12 of the WD.

4.9 Payment of higher duties allowance

4.9.1 Where an employee temporarily performs higher duties, a higher duties allowance (HDA) will be paid from the date of commencement of the higher duties.

Note: these arrangements took effect on and from 28 March 2022. Prior to this date, all staff were required to have performed higher duties for 10 working days in a financial year to be eligible for payment of HDA.

4.10 Higher duties allowance rate

4.10.1 The payment of HDA will bring the employee's salary to the higher of:

- the minimum of the salary range of the higher classification, or

OFFICIAL

- where the employee's base salary is within four per cent of the minimum of the higher classification, the HDA will be the employee's base salary, plus four per cent, or
- where in the preceding 12 months the employee has performed duties at the higher classification and has achieved a higher rate of salary through an increase to HDA, the higher rate, or
- a higher rate, subject to delegate approval – refer to 4.10.2 below.

4.10.2 Where an employee is seeking a higher rate of HDA, the employee and their manager will need to submit a business case outlining the exceptional reasons to support the higher rate.

- The business case will need to be endorsed by the employee's SESB1, prior to being scanned and submitted through the [Support Connect Portal](#), selecting the enquiry topic 'Salary and Allowances (including HDA)'.
- People and Culture Division holds the delegation for approving applications for a higher rate of HDA.
- Where a higher rate is approved, it will be maintained for any continuous period of higher duties but will not be retained where there is a break in higher duties (where performance of higher duties is intermittent).

4.10.3 Employees who perform higher duties in the professional streams will be paid at the minimum salary point for the relevant classification. If the employee's salary is within four per cent of the minimum salary point, they will be paid HDA at the next highest salary point for the broadband classification.

4.10.4 HDA counts as salary for the purpose of payment of overtime, shift penalty payments, and cashing out of annual leave.

4.10.5 The HDA payable when requesting to cash out annual leave is proportionate to the annual leave accrued during the period of higher duties.

Example

Sally has been performing higher duties for six months and has accrued the equivalent of two weeks annual leave during this period.

Sally meets the eligibility requirements for cashing out of annual leave and requests to cash out four weeks (150 hours) of annual leave. The cash out payment of annual leave will be:

- two weeks at her base salary *plus* HDA, and
- two weeks at her base salary.

4.10.6 For information about the interaction between HDA and superannuation, employees should contact their superannuation fund directly.

4.11 Higher duties and performance development agreements

4.11.1 An employee must establish a higher duties performance and development agreement (HD PDA) in the performance cycle if they have performed higher duties on:

- one occasion of three continuous months or more, or
- two separate occasions of two continuous months or more.

4.11.2 An employee can elect to establish a HD PDA for any periods of higher duties other than those specified in 4.11.1.

- 4.11.3 For sea-going marine unit employees, a HD PDA should be established where they perform higher duties on two consecutive patrols. The rostered days off in between the patrols will count towards the qualifying period for an increase to HDA.
- 4.11.4 An employee's performance and development expectations set out in the HD PDA should reflect the duties the employee is performing at the higher level. This should be different from their standard PDA and an employee cannot use a standard PDA for recording higher duties performance.
- 4.11.5 The HD PDA will enable an employee's performance to be assessed against the duties performed at the higher duties classification level.

4.12 Eligibility for an increase to higher duties allowance

- 4.12.1 An employee will be eligible for an increase to their HDA at a rate of three per cent (up to the top of the salary range of the higher classification but no higher) at 1 October, providing they:
 - performed higher duties for an aggregate period of six months higher duties within the 12-month performance cycle, and
 - have been assessed as having 'met expectations' or above at the higher classification level against their HD PDA in the PDA end cycle review.
- 4.12.2 Employees will not be eligible for an increase to HDA if their PDA does not include an assessment against the higher duties performance.
- 4.12.3 An aggregate of six months in the 12 month performance cycle equals 181 days for full-time employees, pro-rata for part-time employees, and 97 days for Marine Unit employees (based on 50 per cent of the 195 day duty requirement).
 - Weekends, public holidays, flex and Executive Level time off count towards the aggregate period where employees have performed higher duties either side of these periods.
 - Where an employee would have otherwise performed higher duties but for the weekend or public holiday, higher duties should be entered in easySAP to include these periods to enable correct payment of HDA. Employees who are not in the higher duties position on a public holiday will be paid at their substantive classification for that day.
- 4.12.4 Where an employee has received an increase to their HDA in accordance with these provisions, the higher salary will be retained for any subsequent higher duties performed, providing that any gap between periods of higher duties is not greater than 12 months.
- 4.12.5 The following factors will impact on an employee's eligibility for an increase to HDA:
 - leave (paid or unpaid) - to be eligible for an increase to HDA, employees must have performed higher duties for a total period of six months. Paid or unpaid leave taken while performing higher duties will not be counted towards the six months eligibility period
 - not establishing a HD PDA.
- 4.12.6 Employees who have performed higher duties more than one level above their substantive classification (i.e. APS3 to APS5), and who are eligible for an increase to HDA, will also receive an increase to HDA for any performance of higher duties at a level above their substantive classification (i.e. APS4). The increased salary (as per 4.12.1) would apply for any further HDA performed, at either classification level, provided the gap between ceasing and commencing higher duties is not greater than 12 months.

4.13 Recognition of higher duties performance on promotion

- 4.13.1 Employees who are promoted within the Department and, in the preceding 12 months, have undertaken higher duties at the classification level to which they are promoted will, when the promotion takes effect, be paid the higher of:
- the minimum salary rate of the higher classification, or
 - where the employee's base salary is within four per cent of the minimum for the higher classification, they will receive their base salary plus four per cent, or
 - where in the preceding 12 months they have performed duties at the higher classification and have achieved a higher rate of salary through an increase to HDA, the higher rate.
- 4.13.2 For further information, refer to the [Salary - Procedural Instruction \(HR-4758\)](#).

4.14 Payment of higher duties allowance during periods of leave

- 4.14.1 Employees who are granted paid leave or who observe a public holiday during a period of approved higher duties will be eligible to receive HDA for these periods provided the performance of higher duties is continuous on either side of the leave or public holiday.
- 4.14.2 Any period of leave should be entered in easySAP to include these periods to enable correct payment of HDA.
- 4.14.3 Where an approved period of higher duties ceases while the employee is on paid leave and there is no intention for the employee to resume higher duties when they return to work, payment of HDA will cease at the conclusion of the approved period of higher duties.
- 4.14.4 Subject to paragraph 4.14.1, an employee cannot commence a period of higher duties while they are on leave.
- 4.14.5 Where the paid leave is not at the employee's full pay rate, payment of HDA is made at the equivalent rate. For example, where long service leave is taken at half pay, while the employee is on higher duties, the rate of payment for HDA during that period of leave is also at half pay.
- 4.14.6 As outlined in section 4.12, periods of paid or unpaid leave may impact on an employee's eligibility for an increase to their HDA salary, if being on leave means that the employee does not perform higher duties for an aggregate period of six months within the performance cycle.

4.15 Payment of higher duties while suspended

- 4.15.1 Where an employee is suspended without remuneration, entitlement to payment of HDA ceases from the date of suspension.
- 4.15.2 Where an employee is suspended with remuneration, HDA will continue to be paid for the period the higher duties was approved.

4.16 Higher duties in an SES role

- 4.16.1 Where an employee temporarily works in an SES role, the rate of HDA will be determined by the Secretary. Contact §22(1)(a)(ii) [@homeaffairs.gov.au](mailto:§22(1)(a)(ii)@homeaffairs.gov.au) for further information.

5. Consultation

5.1 Internal Consultation

5.1.1 The following internal stakeholders were consulted in the development of this PI:

- People Strategy and Culture Branch, People and Culture Division
- People Services Branch, People and Culture Division
- Payroll Services Branch, People and Culture Division
- Legal Group
- all Department of Home Affairs employees, including Australian Border Force.

5.2 External Consultation

5.2.1 The following external stakeholders were consulted in the development of this PI:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).

6. Accountability and Responsibility

Role	Description
Employees	<p>Temporary performance of duties at a higher classification is a learning and development opportunity for employees to expand their skills and knowledge and set the foundation for a career pathway. When undertaking higher duties, employees are responsible for ensuring they:</p> <ul style="list-style-type: none"> • are aware of and have the capability to meet the Work Level Standards for the higher classification • are aware of any HR and financial delegations that are assigned to the position, and are able to carry out their obligations under the HR Instrument of Delegation and Commonwealth Financial Legislation • are aware of any role-specific delegations that are associated with the position, and are able to carry out their obligations under relevant legislation or other instruments • seek advice and support from their manager to enable their performance to meet operational requirements and undertake duties at the higher level • establish a HD PDA to reflect their performance goals and expectations at the higher classification when they perform higher duties for a continuous period of three months or more, or for two separate occasions of two continuous months or more in a performance cycle.
Delegate	<p>Delegates are accountable and responsible for ensuring:</p> <ul style="list-style-type: none"> • the principles for assessing the need for performance at a higher classification are considered in the decision making process • the primary means for filling a temporary vacancy at a higher classification is through ongoing employees • the decision to temporarily assign an employee to a higher classification is fair, transparent and the principles of equity and merit are applied consistently • employees who are performing duties at a higher classification are provided with the necessary support and guidance to undertake the duties of the higher classification, at a level that at least 'meets expectations' • employees who are performing duties at a higher classification are aware of the Work Level Standards for the higher classification • employees have a HD PDA in place to reflect the performance and development expectations at the higher classification when they perform higher duties for a continuous period of three months or more, or for two separate occasions of two continuous months or more in a performance cycle • employees hold the correct security clearance to enable them to perform the duties of the higher classification • employees are aware of any HR, financial and/or role-specific delegations that may need to be exercised in the course of performing the duties at the higher classification.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Role	Description
Workforce Management and Conditions Branch, People and Culture Division	Workforce Management and Conditions Branch, People and Culture Division are responsible for: <ul style="list-style-type: none"> providing policy advice and guidance on higher duties arrangements. updating this PI to ensure currency and relevance.

7. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	11 Apr 2019	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Initial draft
0.2	16 Oct 2019	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Updated draft including consultation feedback
0.3	16 March 2020	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Updated draft including second round consultation feedback
0.4	23 July 2020	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Final version incorporating further consultation feedback
0.5	16 November 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Final version incorporating PPCF/PPCF Legal feedback
0.6	30 March 2022	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Updated incorporating Secretary approval for removal of qualifying period for payment of higher duties allowance.

Attachment A – Assurance and Control Matrix

1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
<i>Public Service Act 1999</i>	Section 25	Assignment of duties	Y	All HR delegations are available at HR delegations
<i>Home Affairs Workplace Determination 2019</i>	Clauses 5.17 to 5.22	Higher duties allowance	Y	All HR delegations are available at HR delegations

1.2. Controls and Assurance

Related Policy	Recruitment and Onboarding Framework - Policy Statement (HR-2172) Performance Management Framework - Policy Statement (HR-6620)
Procedures / Supporting Materials	Salary - Procedural Instruction (HR-4758) Performance Management - Procedural Instruction (HR-2159) Recruitment - Procedural Instruction (HR-2171)
Training/Certification or Accreditation	Nil
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Support Connect Portal
Escalation arrangements	Queries which require escalation will be forwarded through the Support Connect Portal to the relevant People and Culture Division work area
Recordkeeping (e.g. system based facilities to record decisions)	TRIM easySAP
Control Frameworks (please refer to a specific document outlining QA or QC arrangements)	easySAP - workflow delegations are inbuilt in easySAP to ensure that only delegated managers can approve HDA requests For requests requiring People and Culture Division approval, delegations have been provided to appropriate persons and positions in line with the HR Delegations framework
Job Vocational Framework Role	This PI applies to all job roles within the Department, including the ABF

Released by Department of Home Affairs under the Freedom of Information Act 1982



Leave

Policy Statement

Document ID (PPN)	HR-2146
TRIM record number	ADD2021/4759932
BCS Function	Human Resources Management - Advice
Document owner	First Assistant Secretary, People and Culture Division
Approval date	1 September 2021
Document Contact	Support Connect Portal

Table of Contents

1. Purpose	3
2. Scope	3
3. Definitions	3
4. Policy Statement	5
4.1. General principles	5
4.2. Planned leave	6
4.3. Unplanned leave	7
4.4. Unauthorised absence	8
4.5. Anticipation of leave credits	9
4.6. Paid leave at base rate of pay	9
4.7. Allowances and paid leave	9
4.8. Leave to count as service	9
4.9. Attendance at APS interviews	10
4.10. Blood Bank donations	10
4.11. Misuse of leave provisions	10
4.12. Review of decisions	10
5. Accountability and Responsibility	11
6. Related Framework Documents	12
7. References and Legislation	12
8. Consultation	12
8.1. Internal consultation	12
8.2. External consultation	13
9. Version Control	13

1. Purpose

- 1.1. This Policy Statement (PS) outlines the provision of leave entitlements in the Department of Home Affairs (the Department). Leave entitlements are provided under the Department of Home Affairs Workplace Determination 2019 (WD) and relevant legislation.
- 1.2. This PS supports these leave entitlements and covers the roles and responsibilities of:
 - the Department as an employer, and
 - the employee as an applicant for leave.

2. Scope

- 2.1. This PS applies to all employees of the Department, including the Australian Border Force (ABF), but excluding the Senior Executive Service (SES).
- 2.2. If there are any inconsistencies between the WD and this PS or associated supporting procedural instructions, the terms and conditions of the WD will prevail.

3. Definitions

Term	Acronym (if applicable)	Definition
Accrual		The accumulation of leave entitlements over a set period of time in accordance with the provisions of the WD.
Australian Border Force	ABF	As defined in section 4 of the <i>Australian Border Force Act 2015</i> , the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Australian Public Service	APS	The APS is established under the <i>Public Service Act 1999</i> . People employed in the APS work in public administration roles within Australian Government departments and agencies.
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to the HR Delegations .
Department of Home Affairs	The Department	The Department of Home Affairs.
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2020/01.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
Department of Home Affairs Determination 2020/01	Section 24(1) determination	A determination made by the Secretary under section 24(1) of the <i>Public Service Act 1999</i> that outlines the increases to employees' salary and salary related allowances up until 9 February 2023.
Employee		An ongoing or non-ongoing employee engaged under section 22(2) of the <i>Public Service Act 1999</i> .
Extended absence		An absence from the workplace which is for a period of at least four weeks: <ul style="list-style-type: none"> • either in a continuous period, or • gradually over a period of 13 weeks.
<i>Fair Work Act 2009</i>	FW Act	The FW Act is the key piece of Commonwealth legislation about employer and employee rights and responsibilities at work. This Act provides the minimum employment standards and conditions that apply to most people employed in Australia.
Family or household member		Means: <ul style="list-style-type: none"> • a former or current partner, child, parent, grand-parent, grand-child or sibling of the employee • a child, parent, grand-parent, grand-child or sibling of a former or current partner of the employee • a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the employee belongs • any person dependent on the employee for care and support.
Leave balance		The amount of leave credit available to an employee at a point in time. It is the amount credited to an employee minus any leave taken.
Manager		Means the supervisor, section head or team leader of an employee.
National Employment Standards	NES	The NES are 10 minimum standards of employment under the FW Act. The national minimum wage and the NES make up the minimum entitlements for employees in Australia.
Paid leave		Approved leave for which the employee receives salary payments and eligible allowances including but not limited to annual leave, long service leave, paid personal leave and miscellaneous leave with pay.
Partner		Means a spouse or a de facto partner of an employee.
<i>Public Service Act 1999</i>	PS Act	The PS Act governs the establishment and operation of, and employment in, the APS. It also sets out the rights and obligations of APS employees, including the expected standards of integrity and behaviour.
Secretary		The appointed agency head of the Department.
To count as service	TCAS	A period of leave that counts as service for the purpose of leave accrual calculation for future leave credits. Unless otherwise provided for in legislation or specified in the WD: <ul style="list-style-type: none"> • all paid leave counts as service

OFFICIAL

Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> unpaid leave does not count as service unless specified by legislation or as determined by the Secretary.
Unauthorised absence		<p>An unauthorised absence is not a form of leave, it is an absence from the workplace that is not supported by an appropriate leave application/ approval.</p> <ul style="list-style-type: none"> An employee will be considered to be on an unauthorised absence when they are absent from the workplace, and have not notified and/or obtained approval from their manager, including failure to submit the appropriate leave applications in easySAP on return from unplanned leave. All pay and entitlements under the WD cease to apply during an unauthorised absence. The absence will not count for service for any purpose.
Unpaid leave		<p>Approved leave for which the employee does not receive salary payments and eligible allowances including, but not limited to, unpaid personal leave, unpaid maternity or parental leave, ceremonial leave and miscellaneous leave without pay.</p> <p>Generally, unpaid leave does not count as service for any purpose.</p>
Unscheduled absence		<p>An unscheduled absence:</p> <ul style="list-style-type: none"> is a type of administrative arrangement to ensure employees are not overpaid is not leave and does not deduct leave credits from an employee's leave balance can be recorded as a paid or unpaid absence but should accurately reflect the appropriate leave type for the absence must be acquitted with the appropriate leave type when the employee returns to duty. <p>Where an unscheduled absence is not acquitted with the appropriate leave type within 30 days of the absence occurring, the absence will be reflected on the employee's SAP record as an unauthorised absence. This action may result in retrospective adjustments to pay.</p>
Work area contact – for shift employees		<p>Alternate point of contact as determined by a work area for an employee to notify an unplanned absence.</p>

4. Policy Statement

4.1. General principles

- 4.1.1. The Department is committed to providing a safe and healthy workplace and enabling employees to more effectively manage their work/home life balance. It is important that the Department's leave provisions are used appropriately, for the purpose intended.
- 4.1.2. The taking of leave is subject to the approval of the Secretary or delegate.

- 4.1.3. Through this PS and the related Procedural Instructions, the Department has expanded on some entitlements provided by both the National Employment Standards (NES) and the WD.
- 4.1.4. Employees can take leave for many reasons, including rest, recreation and relaxation, because they are ill or injured or to take care of an ill or injured family or household member. There are two main categories of leave:
- planned leave, and
 - unplanned leave.

4.2. Planned leave

- 4.2.1. Planned leave is generally pre-approved leave that is scheduled and provides an opportunity for managers to effectively manage their business area requirements and provide employees with the opportunity for a reasonable break from work each year.
- 4.2.2. Planned leave may be requested for short or extended periods depending on available leave balances and operational requirements. Types of planned leave include:
- annual leave
 - ceremonial leave
 - Defence Reserve leave
 - jury service leave
 - long service leave (LSL)
 - NAIDOC leave
 - parental leave (which includes maternity, adoption, fostering, unpaid parental leave and supporting partner leave)
 - purchased leave (44/52)
 - sabbatical leave
 - study leave
 - miscellaneous leave when granted for planned purposes (e.g. extended leave without pay).
- 4.2.3. The Department operates in a dynamic environment. It is important that managers ensure employees are taking leave, while balancing operational requirements. There is no automatic right for employees to take planned leave at a particular time.
- 4.2.4. Employees should discuss their intention to take planned leave with their manager to allow for proper consideration of leave applications and succession planning. This enables operational requirements to be met, especially in the case of an extended absence. Employees should not make any reservations/bookings in relation to a period of planned leave until their request has been approved in writing (generally this would be in easySAP) by the appropriate delegate.
- 4.2.5. Managers must consider employees' access to planned leave in their business planning processes. They need to identify and consider:
- the leave balances of their employees (including instances where balances are becoming excessive)
 - the operational requirements of the business area
 - consideration of any work, health and safety matters
 - the work/life balance of their employees.

OFFICIAL

- 4.2.6. Consideration needs to be given to peak operational periods when approving planned leave. Managers can assist in helping employees to plan their leave by discussing operational requirements in advance of peak periods.
- 4.2.7. Managers and employees are expected to cooperate and work together to achieve the best outcome for all parties. Employees are encouraged to take planned leave where credits are available. This is consistent with the purpose of planned leave and aids in avoiding substantial accumulation of excess leave credits.
- 4.2.8. Leave applications should be entered no greater than 12 months in advance.
- 4.2.9. Further guidance and information regarding planned leave can be found in the Planned Leave - Procedural Instruction (HR-4750).

4.3. Unplanned leave

- 4.3.1. Unplanned leave is generally taken because the employee is ill or injured or needs to care for a family or household member who is ill, injured or has an unexpected emergency, or where a member of their family or household is affected by a serious life threatening illness or injury or passes away.
- 4.3.2. Unplanned leave may include:
- personal leave, including for caring purposes
 - compassionate/bereavement leave
 - emergency service volunteer leave
 - family and domestic violence leave
 - war service sick leave
 - miscellaneous leave where approved for unexpected circumstances (for example, office closure due to an emergency event).
- 4.3.3. The nature of unplanned leave means that it is difficult for managers to prepare for an employee's absence. It is important that managers and employees work together cooperatively to manage issues impacting an employee's attendance.
- 4.3.4. Where an employee has an unplanned absence, they are required to notify their manager as soon as reasonably practical. The preferred method of notice is a phone call, so that the employee can have a discussion with their manager about their absence and leave. Notification should generally be within one hour of the employee's usual or nominated starting time, or as agreed with the manager.
- If the employee leaves a voicemail, they must also leave a number so they can be called back.
 - If the employee leaves a text message, the manager or the nominated work area contact (for shift employees) must call the employee back to discuss their absence and leave.
- 4.3.5. On receiving notification from an employee that they will be absent from work, managers and/or nominated work area contacts (for shift employees) must confirm the following with the employee:
- how long the employee thinks they will be absent
 - what type of leave the employee would like entered on their behalf
 - whether they have enough paid leave to cover the absence
 - if the employee doesn't have enough paid leave, confirmation of whether they want to use another leave type or whether the absence will be unpaid

OFFICIAL

- if the employee has no available leave it must be entered as either unpaid leave or an unpaid unscheduled absence
- if there is any support that can be provided to the employee
- whether there are any work issues that the manager needs to be aware of while the employee is absent.

- 4.3.6. Once the details have been confirmed, the manager must enter the leave on behalf of the employee. Refer to section 4.2 of the Unplanned Leave – Procedural Instruction (HR-4751).
- 4.3.7. In shift work environments where nominated work area contacts (for example, roster clerks) manage employee absences, it is expected that the roster clerk will arrange for the appropriate leave type to be entered. The manager or nominated work area contact is responsible for advising the nominated work area contact of the type of leave that applies to the employee's absence.
- 4.3.8. If the employee does not notify their manager of their intention to be absent within a reasonable timeframe (generally no later than one hour after the employee's usual or scheduled commencement time), the manager should attempt to contact the employee to ensure their safety. Refer to the emergency contact information on MyHR for further information and guidance.
- 4.3.9. Absences without the required notification may be considered an **unauthorised absence** and the employee may be placed on an unpaid unscheduled absence, to ensure salary payments are correct, until the reason for the absence is established and the employee and the manager can discuss the appropriate leave arrangements.
- 4.3.10. On return to work, employees are responsible for ensuring the leave entered reflects the discussion with their manager or nominated work area contact.
- 4.3.11. Where the employee has a medical certificate to support personal leave, it should be sighted by the manager and the leave entry amended.
- 4.3.12. If the employee has any concerns, these should be discussed with the manager. The leave may be amended with the manager's approval.
- 4.3.13. If an unscheduled absence has been entered for the employee, after confirming the appropriate leave to cover the absence, the unscheduled absence must be deleted and the relevant leave entered for approval.

4.4. Unauthorised absence

- 4.4.1. An unauthorised absence is not leave. It is an absence from the workplace that is not approved by the Secretary or an authorised delegate and impacts on an employee's regular working hours.
- 4.4.2. Absence(s) deemed as unauthorised will be without pay. All entitlements (including allowances) under the WD will cease to apply until the employee resumes duty or is granted leave. The period of unauthorised absence will not count as service for any purpose. Accrual of paid leave entitlements will not occur during an unauthorised absence.
- 4.4.3. Managers can contact [Support Connect](#) for assistance in recording unscheduled absences.
- 4.4.4. Refer to the Unplanned Leave – Procedural Instruction (HR-4751) for further information regarding unauthorised absences.

4.5. Anticipation of leave credits

- 4.5.1. There is no provision under the WD to anticipate leave credits. Absences can only be acquitted with paid leave where the employee has a credit available at the time the leave is taken.
- 4.5.2. Where an employee enters leave after the absence has occurred and does not have any paid leave available, this may result in an overpayment and will be recovered in accordance with the recovery of overpayments provisions in the WD. Refer to the Overpayments and employee debt – Procedural Instruction (HR-6614) for further information.
- 4.5.3. Where an employee has insufficient paid leave credits, they may request to use an alternative paid leave type; this is subject to the approval of the delegate.
- 4.5.4. If the employee does not have other paid leave available, or it is not appropriate to use their paid leave, the leave must be taken as unpaid.

4.6. Paid leave at base rate of pay

- 4.6.1. The only leave type that attracts the payment of shift penalties is annual leave. All other paid leave entitlements are paid at the employee's base rate of pay, exclusive of all penalties.

4.7. Allowances and paid leave

- 4.7.1. Allowances will be paid during paid leave (of any type, including combinations of more than one type), unless otherwise specified in the WD, provided for in legislation, or agreed by the Secretary.
- 4.7.2. Allowances will not be paid during unpaid leave or unauthorised absences from duty, unless agreed by the Secretary.

4.8. Leave to count as service

- 4.8.1. Unless otherwise provided for in legislation or specified in the WD:
- paid leave will count as service for all purposes, and
 - unpaid leave or any unpaid absence will not count as service for any purpose.
- 4.8.2. Exceptions to 4.8.1 include, but are not limited to the following provisions:
- the Long Service Leave (Commonwealth Employees) Act 1976 provides that absences on certain unpaid defence force leave (e.g. to undertake Continuous Full Time Service) and unpaid personal leave (for personal illness or injury), count as service for the purposes of long service leave
 - the Maternity Leave (Commonwealth Employees) Act 1973 provides that where an employee had not been an employee for a continuous period of 12 months, the first 12 weeks of the period of absence will count as service
 - the WD provides that
 - where paid maternity leave is spread over a period of up to 28 weeks, only 14 weeks will count as service
 - where paid adoption/foster leave is spread over a period of up to 28 weeks, only 14 weeks will count as service
 - where paid supporting partner leave is spread over a period of up to eight weeks, only four weeks will count as service

OFFICIAL

- the first four years of sabbatical leave will count as service for all purposes, and the fifth year will not count as service for any purpose
- miscellaneous leave without pay may be granted to count as service for some or all purposes at the discretion of the relevant delegate.

4.8.3. Unpaid leave which does not count as service defers the accrual of other leave entitlements (such as annual leave, personal leave and long service leave) by the length of the period of unpaid leave taken.

4.8.4. Refer to the Planned Leave – Procedural Instruction (HR-4750) and Unplanned leave - Procedural Instruction (HR-4751) for further information.

4.9. Attendance at APS interviews

4.9.1. Employees may attend a reasonable number of job interviews with an APS agency within their usual work location. The employee is not required to complete a leave application or to take flex, but is regarded as being on duty for the period of their interview, or a period determined to be reasonable by their manager.

4.9.2. Where an employee wishes to attend a job interview interstate, they will be required to seek prior approval with a reasonable period of notice and utilise flex or take annual leave.

4.10. Blood Bank donations

4.10.1. Employees are encouraged, where possible and willing, to donate blood and/or plasma. The employee is not required to complete a leave application or to take flex, but is regarded as being on duty for the period of their donation, or a period determined to be reasonable by their manager.

4.10.2. There is an expectation that an employee would return to work where timeframes permit. Where possible it is encouraged that appointments are made at the start or end of the day to reduce the period of time the employee is absent from the workplace.

4.10.3. Where travel to and from a blood donation is expected to be for a period greater than two hours, employees are encouraged to either make arrangements to donate on a non-work day or at the end of the day where this will reduce the period of time the employee is absent from the workplace.

4.11. Misuse of leave provisions

4.11.1. Employees should use the Department's leave provisions appropriately and for the purpose intended. Employees who misuse approved leave may be the subject of action under the Procedures for determining suspected breaches of the Code of Conduct – Procedural Instruction (SM-1547).

4.11.2. For further information on the standards of behaviour and conduct required of all employees, refer to the [Integrity and Professional Standards](#) page on the intranet.

4.12. Review of decisions

4.12.1. If an application for leave is refused, an employee can request a reconsideration of the decision through their work area management. Where possible this request must be responded to in a timely manner to allow the employee time to make appropriate leave arrangements.

- 4.12.2. If there is a dispute in relation to a leave request, employees are able to seek resolution via the dispute resolution processes under the WD prior to seeking a review of action under section 33 of the PS Act.
- 4.12.3. If an employee wishes to seek a review of a decision taken in relation to their request for leave under the provisions of section 33 of the PS Act , they should refer to Review of Actions – Procedural Instruction (HR-4930).

5. Accountability and Responsibility

Role	Description
Employees	<p>Employees are responsible for:</p> <ul style="list-style-type: none"> • using leave appropriately and for the intended purpose in accordance with all related policies and procedural instructions • submitting all leave requests in a timely manner to ensure that leave records are correct and to avoid overpayments • discussing their leave plans with their manager in advance to allow their managers to consider operational and business planning options • notifying their manager or nominated work area contact, preferably by phone, as soon as reasonably practical of an unplanned absence • advising their manager or nominated work area contact of the type of leave to be entered on their behalf • on return to work, ensuring the leave entered reflects the discussion with their manager or nominated work area contact • providing a copy of satisfactory documentary evidence (e.g. medical certificate) to support personal leave greater than three days to their manager for sighting and amending the leave entry • entering appropriate leave where an unscheduled absence has been entered to cover the absence.
Managers	<p>Managers are responsible for:</p> <ul style="list-style-type: none"> • ensuring employees use leave appropriately and in line with relevant policies and procedural instructions • applying consistent and transparent decision making when considering requests for leave • monitoring usage of planned and unplanned leave and addressing any concerns or issues as soon as identified • ensuring they hold the delegation to approve a requested leave type in accordance with the HR delegations and referring requests which they cannot approve to the appropriate delegate • entering the appropriate leave in easySAP on behalf of employees in real time (i.e. on the day of the absence) based on their discussions with the employee when they have advised they will be absent • confirming with the employee the appropriate leave type the employee will utilise for the unplanned leave absence • entering an unpaid unscheduled absence where the employee has not notified their absence

Released by Department of Home Affairs under the Freedom of Information Act 1982

Role	Description
	<ul style="list-style-type: none"> when the employee returns to work, ensuring the employee enters an appropriate leave type where an unscheduled absence has been entered to cover the absence.
Nominated work area contact – for shift employees	<p>Work area contacts are responsible for:</p> <ul style="list-style-type: none"> confirming with the employee the appropriate leave type the employee will utilise for the unplanned leave absence advising the roster clerk of the type of leave that applies to the employee's absence.
Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	<p>Workforce Management and Conditions Section is responsible for:</p> <ul style="list-style-type: none"> providing policy guidance and advice on leave arrangements developing and updating relevant policy and procedural instructions to ensure currency.

6. Related Framework Documents

- Planned Leave - Procedural Instruction (HR-4750)
- Unplanned Leave - Procedural Instruction (HR-4751)
- Parental Leave - Procedural Instruction (HR-6610)
- Working Hours and Arrangements - Policy Statement (HR-2190)
- Working Hours - Procedural Instruction (HR-2191)
- Review of Actions - Procedural Instruction (HR-4930)
- Overpayments and employee debt - Procedural Instruction (HR-6614)
- Procedures for determining suspected breaches of the Code of Conduct – Procedural Instruction (SM-1547)

7. References and Legislation

- [Department of Home Affairs Workplace Determination 2019](#)
- [Fair Work Act 2009](#)
- [Public Service Act 1999](#)
- [Maternity Leave \(Commonwealth Employees\) Act 1973](#)
- [Long Service Leave \(Commonwealth Employees\) Act 1976](#)
- [HR Delegations](#)

8. Consultation

8.1. Internal consultation

8.1.1. The following internal stakeholders were consulted in the development of this policy statement:

- People and Culture Division
- Legal Group

- Integrity and Professional Standards
- all Department of Home Affairs employees including ABF.

8.2. External consultation

8.2.1. The following external stakeholders were consulted in the development of this policy statement:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).

9. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	11 April 2019	Workforce Management and Conditions Section	Initial draft for consultation
0.2	5 July 2019	Workforce Management and Conditions Section	Review and update following consideration of staff consultation feedback.
0.3	7 November 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Updated draft following second round consultation feedback.
0.4	11 January 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Updated draft to address third round consultation feedback.
0.5	21 September 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Finalised draft.
0.6	20 May 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Revised to include feedback from PPCF and PPCF Legal.



OFFICIAL

Document 11

Planned Leave

Procedural Instruction

Document ID (PPN)	HR-4750
TRIM record number	ADD2023/6480757
BCS Function	Human Resources Management
Document owner	Assistant Secretary Workplace Relations and Enterprise Agreement
Approval date	23 November, 2021
Document Contact	Support Connect Portal

OFFICIAL

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Table of Contents

1. Purpose	5
2. Scope	5
3. Procedural Instruction	6
Part 1 – General provisions applying to planned leave	6
3.1. Use of planned leave	6
3.2. Applying for planned leave	6
3.3. Leave and public holidays	7
3.4. Leave which counts as service	8
3.5. Recording planned leave	8
3.6. Payment of allowances on leave	8
Conditions on payment of allowances on leave	9
3.7. Unplanned leave during planned leave	11
3.8. Arrangements on cessation of employment and transfer to other employment	12
3.9. Arrangements on transfer from other APS employment	12
3.10. Casual employees	12
3.11. Employees on worker's compensation	12
Part 2 – Types of planned leave	13
3.12. Annual leave	13
Accruing annual leave	13
Cancellation of annual leave or recall to duty from annual leave	13
Additional annual leave for shift employees	14
Payment of shift penalty rates on annual leave	14
Additional annual leave for employees posted overseas	14
Additional annual leave for employees at remote localities	14
Cashing out annual leave	15
Excess annual leave credits	16
3.13. Ceremonial leave	16
Aboriginal and Torres Strait Islander employees	16
Religious and cultural events	16
3.14. Defence Reserve leave	17
Legal requirements	17
Defence Reserve Leave entitlements	17
Continuous Full Time Service	19
3.15. Jury service leave	20
3.16. Long service leave	21
Entitlement	21
Accessing and using LSL	21
LSL at half pay	23
Access to other leave during LSL	24
Using LSL when personal leave credits are exhausted	25
Payment of allowances on LSL	25
Eligible prior service	26
Requesting recognition of prior service for leave purposes	28
Ceasing Commonwealth employment and LSL	28
Temporary transfers and LSL	28

OFFICIAL

Leave without pay	28
Employment as a locally engaged employee	29
Working part-time	29
Casual employees and LSL	30
3.17. Miscellaneous leave	30
Granting of leave	30
Determining eligibility for miscellaneous leave	30
Applying for miscellaneous leave	36
Requesting an extension of miscellaneous leave	38
Circumstances where miscellaneous LWOP is not available	39
3.18. NAIDOC leave	40
Taking NAIDOC leave	40
Documentary evidence requirements	41
Applying for NAIDOC leave	41
3.19. Purchased leave (44/52)	41
Purchasing leave	42
Effect of changing working hours	43
Transfer from other agencies	43
Using purchased leave	43
Unused purchased leave	43
Position changes	43
Changes to a purchased leave agreement	43
Effect on salary	44
3.20. Sabbatical leave	45
Eligibility	46
Applying for sabbatical leave	46
Effect of transfers at level and/or promotion	46
Deferral	47
Leaving the scheme	47
Commencing sabbatical leave	47
While on sabbatical leave	47
Terminating sabbatical leave	47
Interaction of sabbatical leave with adoption/foster, maternity or parental leave	48
Sabbatical leave and part-time work	48
Shift work penalties and overtime	48
Higher duties allowance	48
Other allowances	48
Taxation	49
Superannuation	49
Returning from sabbatical leave	49
Employment during the fifth year of sabbatical leave	49
Using other leave during the scheme	49
4. Accountabilities and Responsibilities	50
5. Version Control	51
Attachment A – Definitions	52
Attachment B – Assurance and Control Matrix	57
1.1. Powers and Obligations	57
1.2. Controls and Assurance	57

Attachment C – Consultation **59**

- 1.1 Internal consultation 59
- 1.2 External consultation 59

Attachment D – Planned leave **60**

- Summary of entitlements and conditions 60

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

1. Purpose

1.1. This Procedural Instruction (PI) outlines:

- employee and manager responsibilities for notifying and managing planned leave, and
- eligibility and provisions for the following planned leave types:
 - annual leave
 - ceremonial leave
 - Defence Reserve leave
 - jury service leave
 - long service leave
 - miscellaneous leave
 - NAIDOC leave
 - purchased (44/52) leave, and
 - sabbatical leave.

1.2. The table at [Attachment D – Planned leave](#) identifies the planned leave entitlements under the [Department of Home Affairs Workplace Determination 2019](#) (WD) and the conditions relating to the use of the various leave types available.

2. Scope

2.1. This PI provides details on the planned leave types outlined above. For information relating to other types of planned leave refer to:

- [Parental leave – Procedural Instruction \(HR-6610\)](#) covers maternity leave, supporting partner leave and adoption or foster leave
- [Studies Assistance - Policy Statement \(HR-2178\)](#) covers study leave and financial assistance guidelines, eligibility and application procedures
- [Working Hours – Procedural Instruction \(HR-2191\)](#) covers flex leave or flexible time-off arrangements.

2.2. For information relating to unplanned leave refer to the [Unplanned Leave - Procedural Instruction \(HR-4751\)](#) which covers:

- compassionate/bereavement leave
- ceremonial leave
- emergency service volunteer leave
- family and domestic violence leave
- personal leave
- compensation leave
- war service sick leave.

2.3. This PI applies to all employees of the Department of Home Affairs (the Department), including the Australian Border Force (the ABF), but excluding the Senior Executive Service (SES).

3. Procedural Instruction

Part 1 – General provisions applying to planned leave

3.1. Use of planned leave

- 3.1.1. Leave planning is an integral part of planning for work/life balance. However, there is generally no automatic right for employees to take planned leave at a particular time.
- 3.1.2. Employees should discuss their intention to take planned leave with their manager to allow for proper consideration of an application and planning to meet operational requirements, especially in the case of an extended absence.
- 3.1.3. The taking of leave is subject to approval by the Secretary or delegate. It is the responsibility of all employees to ensure they use the correct leave type for the intended purpose.
- 3.1.4. Managers need to ensure they have the required delegation to approve the relevant leave type and that employees have sufficient leave credits for the period requested. Refer to [HR Delegations](#) for further information. When approving leave, managers are able to check an employee’s leave record using easySAP.

3.2. Applying for planned leave

- 3.2.1. Generally, all applications for planned leave should be entered and approved in easySAP in advance of the leave being taken.
- 3.2.2. Approval of all planned leave is subject to operational requirements and consideration must be given by employees and managers to peak operational periods when seeking or approving planned leave.
- 3.2.3. Managers should have ongoing discussions with their employees in relation to operational requirements and staffing expectations in advance of periods such as school holidays, Christmas/New Year and Easter.
- 3.2.4. For planned leave, employees and managers should follow the process in the table below:

Step	Who	Action
1	Employee	Discuss proposed leave plans with their manager to allow for: <ul style="list-style-type: none"> • proper consideration of an application • where necessary, planning so that operational requirements can be met, especially where an extended absence is requested.
2	Manager	Consider the proposed leave request, taking into account: <ul style="list-style-type: none"> • the reason(s) for the requested leave • the employee’s available leave balance (where relevant) • the amount of leave requested • previous leave usage (does the employee have excess leave credits, other (types of) leave recently taken) • other employees’ leave requests for the same period, and/or • the operational requirements during the period of requested planned leave.

OFFICIAL

Step	Who	Action
3	Manager	Where operational demands or other approved leave conflicts with an employee's request for planned leave, the manager should discuss with the employee: <ul style="list-style-type: none">• an alternative time for taking the leave• an alternative duration of the proposed leave, and/or• other options for the requested leave.
4	Employee and manager	In most circumstances, planned leave must be approved prior to the taking of leave. <ul style="list-style-type: none">• Once timing of the leave is agreed, the employee must enter the leave application through easySAP for formal approval.• Managers should approve the leave in a timely manner through easySAP. Generally, leave should be approved prior to the commencement of the leave, but no later than seven days after the leave start date, and preferably prior to pay cut-off (close of business on the Monday before pay day on Thursday).• Employees should not make any reservations/bookings in relation to a period of planned leave until their request for leave has been approved on easySAP.

- 3.2.5. If an employee takes leave without approval, it may be considered an unauthorised absence. If this is the case, the manager must inform [Support Connect](#).
- If the manager agrees that the circumstances warranted the absence without prior approval, they may, in exceptional circumstances, approve an application for planned leave at a date after the actual absence occurred.
- 3.2.6. Where an employee has an ongoing medical condition supported by medical evidence and has exhausted all of their personal leave, they may ask their manager to approve the use of annual leave, and/or LSL, to facilitate paid leave. Further information can be found in the [Unplanned Leave - Procedural Instruction \(HR-4751\)](#).
- 3.2.7. Where the period of absence relates to a period for which a claim for compensation has been or may be claimed, grants of leave, other than personal leave, must be discussed with the employee's case manager prior to approval.

3.3. Leave and public holidays

- 3.3.1. Employees (except casual employees) who normally work on the day that is a public holiday will be paid their base pay rate for the ordinary hours they would have worked, but for the public holiday.
- 3.3.2. Higher duties allowance is only paid where the approved period of higher duties includes the day that is a public holiday (e.g. where higher duties is performed both sides of the public holiday and is entered in easySAP to include the public holiday).
- 3.3.3. Where an employee is not on higher duties on the public holiday, they will be paid for the public holiday at their substantive classification level.
- 3.3.4. Casual employees are not entitled to payment for a public holiday unless they:
- are rostered to work on the public holiday, and
 - perform the rostered duty.

OFFICIAL

- 3.3.5. Where casual employees perform duty on a public holiday, payment for the public holiday will be their base pay rate plus public holiday penalty rates for the hours worked.
- 3.3.6. If a public holiday falls on when an employee is on leave, their entitlement to payment of the public holiday depends on whether they are on paid leave or unpaid leave, and the type of leave taken.

Planned leave type	Treatment on public holiday
Paid leave	
Annual leave Purchased leave Defence Reserve leave	Employees are paid base salary for the public holiday; for annual leave, this excludes shift penalties. Leave is not deducted from the employee's leave balance.
Long service leave Miscellaneous leave with pay	This leave is provided in calendar days and not working days and includes all weekends, public holidays, and rostered days off. Employees are paid based on the leave approved (e.g. full pay or half pay). The public holiday does not extend the employee's leave.
Unpaid leave	
Miscellaneous leave without pay Sabbatical leave	Employees are not paid for the public holiday where the unpaid leave falls either side of the public holiday. If the employee is on paid leave either immediately before or after the public holiday, the employee will be paid base salary for the public holiday and the leave will not be deducted from the employee's leave balance.

3.4. Leave which counts as service

- 3.4.1. Paid leave will count as service for all purposes.
- 3.4.2. Unpaid leave will not count as service unless specified by the [WD](#) or relevant legislation.
- 3.4.3. For further information, refer to the [Leave - Policy Statement \(HR-2146\)](#).

3.5. Recording planned leave

- 3.5.1. All planned leave must have appropriate delegate approval and be recorded in easySAP.
- 3.5.2. Generally, employees must obtain prior approval before commencing planned leave.
- 3.5.3. However, in cases where an employee must attend to a situation requiring their immediate attention, annual or purchased leave may be approved after the event to cover the absence.

3.6. Payment of allowances on leave

- 3.6.1. Most allowances will continue to be paid on all paid leave types unless otherwise specified in the [WD](#), provided for in legislation, or agreed by the Secretary.

OFFICIAL

3.6.2. The following legislation provides specific conditions in relation to the payment of allowances while on leave:

- [Long Service Leave \(Commonwealth Employees\) Regulation 2016](#) (LSL Regulations) prescribe certain categories of allowances that are payable during LSL
- [Maternity Leave \(Commonwealth Employees\) Act 1973](#) (ML Act), subsection 6(5) provides that where an allowance is payable during personal leave, it is payable during paid maternity leave, and
- [Safety, Rehabilitation and Compensation Act 1988](#) (SRC Act) specifies whether an allowance is payable during periods of compensation leave.

Conditions on payment of allowances on leave

Allowance	Conditions for payment on paid leave
Competency Assessment and Training Officer (CATO) and Custodial Firearms Instructor (CFI) allowance	<p>The employee would otherwise have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications and/or eligibility for the allowance.</p> <p>Where the relevant qualification ceases while an employee is on leave, the allowance will cease until the relevant qualifications are obtained and submitted with a request for the allowance. The allowance will commence with effect from the start date of the new qualification and providing that all other eligibility criteria are met.</p>
Community Language Allowance	<p>The employee would otherwise have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications and/or eligibility for the allowance.</p> <p>Where a relevant qualification ceases while an employee is on leave, the allowance will cease until the relevant qualifications are obtained and submitted with a request for the allowance. The allowance will commence with effect from the date of the qualifications and providing that all other eligibility criteria are met.</p>
Container Examination Facility Composite Allowance	<p>The allowance is payable where an employee takes leave while in a position which attracts the allowance.</p> <p>This allowance is not paid during periods of LSL in accordance with the LSL Regulations.</p>
Departmental Liaison Officer (DLO) Allowance	<p>The employee takes paid leave and is returning to work as a DLO at the conclusion of the leave.</p> <p>This allowance is not paid during periods of LSL in accordance with the LSL Regulations.</p>
District Allowance (on paid leave other than LSL)	<p>The employee takes paid leave (other than LSL) while on posting/term transfer in the location.</p> <p>This allowance will be paid on leave taken at the end of a posting/term transfer provided that the leave is taken prior to the uplift date of the employee's personal effects from the remote locality.</p>

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Allowance	Conditions for payment on paid leave
District Allowance (on LSL)	<p>Consistent with the provisions of the LSL Regulations, district allowances are payable when:</p> <ul style="list-style-type: none"> • the employee remains in the remote locality in respect of which the allowance is paid, or • the employee is absent from the remote locality but their spouse, de facto partner or family remain in the district during any part of the period of the employee's absence from the district.
Higher duties allowance	<p>The employee was granted paid leave while performing higher duties and they would otherwise have continued to receive the allowance had they not gone on leave.</p> <p>An employee cannot be given a valid direction to commence higher duties that would take effect on a date on which they are on leave.</p> <p>Higher duties is not payable beyond the date on which the employee would have ceased performing higher duties, had the employee not been absent on leave.</p> <p>Arrangements for payment of higher duties to employees on paid parental leave are outlined in the Parental leave – Procedural Instruction (HR-6610).</p>
National Surveillance Unit (NSU) Composite Allowance	<p>Payable to NSU employees during annual leave, paid Defence Reserve leave and all other paid leave for up to 10 days in a financial year.</p>
Operational Safety Trainer (OST) and Operational Capability Trainer (OCT) allowance (including Marine)	<p>The employee would otherwise have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications and/or eligibility for the allowance.</p> <p>Where a relevant qualification ceases while an employee is on leave, the allowance will cease until the relevant qualifications are obtained and submitted with a request for the allowance. The allowance will commence with effect from the date of the qualifications and providing that all other eligibility criteria are met.</p>
Sea-going commuted allowance	<p>Payable to sea-going marine employees during annual leave, paid Defence Reserve leave, and all other paid leave for up to 18 days in a financial year.</p>
Self-Contained Breathing Apparatus allowance	<p>The employee would have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications and/or eligibility for the allowance.</p> <p>Where a relevant qualification ceases while an employee is on leave, the allowance will cease until the relevant qualifications are obtained and submitted with a request for the allowance. The allowance will commence with effect from the date of the qualifications and providing that all other eligibility criteria are met.</p>

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Allowance	Conditions for payment on paid leave
Use of Force allowance	<p>The employee would have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications and/or eligibility for the allowance.</p> <p>Where a relevant qualification ceases while an employee is on leave, the allowance will cease until the relevant qualifications are obtained and submitted with a request for the allowance. The allowance will commence with effect from the date of the qualifications and providing that all other eligibility criteria are met.</p>
Workplace responsibility allowance	<p>The employee would have continued receiving the allowance had they been at work during the period of leave and they maintain the relevant qualifications for the recognised responsibility.</p> <p>Where a relevant qualification ceases while an employee is on leave, the allowance will cease until a refresher course is completed and the certificate is lodged with a request for the allowance. The allowance will commence with effect from the date of the certificate of completion.</p>

3.6.3. The following allowances are not payable during any period of paid or unpaid leave:

- overtime meal allowance
- restriction allowance
- escort duty allowance
- marine accommodation allowance
- cold work allowance
- confined space allowance
- dirty or offensive work disability allowance
- Southern Ocean operations allowance.

3.6.4. Shift penalties are only payable during paid annual leave unless otherwise provided for by legislation. For further information, refer to section 3.12.24 -[Payment of shift penalty rates on annual leave](#).

3.6.5. For further information refer to the [Allowances - Procedural Instruction \(HR-2108\)](#).

3.7. Unplanned leave during planned leave

3.7.1. Where an employee who is on annual leave becomes eligible for personal leave, emergency service volunteer leave, jury service leave or compassionate/bereavement leave, annual leave can be re-credited to the extent of the period of other leave granted.

3.7.2. Where an employee who is on LSL becomes eligible for personal leave, emergency services volunteer leave, jury leave or compassionate/bereavement leave, they may request that LSL is substituted and replaced with the relevant leave type.

3.7.3. Employees must request the substitution and re-credit of leave and provide documentary evidence to support the other leave type requested to the delegate for approval.

3.7.4. Delegate approval and the details of the substitution and re-credit must be then submitted via the [Support Connect portal](#) for processing.

3.8. Arrangements on cessation of employment and transfer to other employment

- 3.8.1. An employee who ceases employment with the Department, and does not move to another agency that recognises leave accrual, will be paid in lieu for any unused annual leave credits.
- 3.8.2. Payment for accrued LSL credits will be in accordance with the [Long Service Leave \(Commonwealth Employees\) Act 1976](#). Payment of LSL credits will not be made where the employee is able to transfer the credits to a recognised employer.

3.9. Arrangements on transfer from other APS employment

- 3.9.1. Where an employee transfers to the Department from another APS agency, Parliamentary Service or the ACT Government, their accrued annual and personal leave credits will be transferred if they are an ongoing employee. Refer to section [3.16.26](#) of this PI for recognition of prior service for LSL.
- 3.9.2. For service to remain continuous, any break between the periods of employment with the Department and the recognised agency, other than approved leave (paid or unpaid), must meet the following conditions:

Leave type	Break in service
Annual leave	Must not exceed three months.
Personal leave	No break in service (i.e. must cease employment with previous agency and commence employment with the Department on the next working day).

- 3.9.3. Transfer of annual leave credits can only occur where annual leave credits were not paid out on cessation with the employee’s former department or recognised employer.
- 3.9.4. Non-ongoing employees may request recognition of service for employment undertaken within the APS, Parliamentary Service or the ACT Government for annual and personal leave purposes where their employment contract changes between recognised employers and the break in continuity is in line with the conditions set out at clause [3.9.2](#).
- 3.9.5. Employees who are engaged to the Department from a Portfolio Agency or an agency subject to the [Public Governance, Performance and Accountability Act 2013](#) do not have an automatic entitlement for transfer of leave from their previous employment. The employees should contact [Support Connect](#) to discuss options in relation to transfer of leave.

3.10. Casual employees

- 3.10.1. Casual employees receive a loading of 20% in lieu of paid leave entitlements under the [WD](#).
- 3.10.2. Casual employees are not entitled to paid leave entitlements (other than LSL).
- 3.10.3. Refer to sections [3.16.45](#) to [3.16.48](#) for casual employees’ eligibility for LSL.

3.11. Employees on worker’s compensation

- 3.11.1. An employee receiving worker’s compensation for more than 45 weeks will accrue annual and personal leave on a pro-rata basis in accordance with the hours actually worked (clause 4.7 of the [WD](#) refers).

Part 2 – Types of planned leave

3.12. Annual leave

- 3.12.1. Annual leave is paid leave, provided as an opportunity for rest, recreation and relaxation. This section provides guidance for employees and managers on the conditions and practical application of annual leave provisions to individual circumstances.
- 3.12.2. Annual leave can be taken at full pay or half pay.
- 3.12.3. Half pay annual leave requires manager approval and is subject to operational requirements.
- 3.12.4. Electing to take half pay annual leave means an employee's salary and allowances paid during annual leave will be reduced pro-rata over the period of approved leave.

Accruing annual leave

- 3.12.5. Employees accrue four weeks paid annual leave for each completed year of service, accruing daily and credited monthly.
- 3.12.6. For a full-time employee this equates to 150 hours per year.
- 3.12.7. Part-time employees' credits are pro-rated on their part-time hours, including amendments for all formal variations in working hours.
- 3.12.8. Annual leave accrues on the first day of each month, at the rate of 12.5 hours per month for a full-time employee for each month of completed service, pro-rata for part-time employees.
- 3.12.9. Where employment ceases part way through a year of service, the employee accrues paid annual leave up to when their employment ends.

Effect of part-time working arrangements

- 3.12.10. Part-time working arrangements reduce the accrual of annual leave by the same amount as the reduced hours of employment. A separate calculation is completed for every variation to part-time working hours throughout the year.

Example: Janice began the year (on 1 January) working full-time, but reduced to three days per week on 1 April, and increased to four days per week on 1 June until the end of the year (31 December). Janice's annual leave accrual reflects three months at full-time hours, two months pro-rated on three days per week and seven months pro-rated on four days per week.

Cancellation of annual leave or recall to duty from annual leave

- 3.12.11. In exceptional circumstances, an employee's manager may cancel or recall the employee to duty from their approved annual leave.
- 3.12.12. Approved annual leave means the requested period of annual leave has been entered into easySAP and has been approved by the relevant delegate.
- 3.12.13. Where an employee's approved annual leave is cancelled or they are recalled to duty from annual leave from a locality other than their normal place of residence, they will be reimbursed for reasonable travel costs and incidental expenses not otherwise recoverable from insurance or any other source.
- 3.12.14. If an employee is recalled from annual leave, including from their normal place of residence, the employee may be entitled to school holiday assistance under clauses 5.29 to 5.32 of the [WD](#). Refer to the [Allowances - Procedural Instruction \(HR-2108\)](#) for further information.

OFFICIAL

- 3.12.15. Employee leave balances will be re-credited for the period of leave equivalent to the standard hours of duty worked during the annual leave period.
- 3.12.16. Following notification, employees who do not attend for duty after their leave has been cancelled or they have been recalled to duty, may be considered to be on an unauthorised absence. For further information on unauthorised absence, refer to the [Working Hours - Procedural Instruction \(HR-2191\)](#).

Additional annual leave for shift employees

Continuous shift employees

- 3.12.17. An employee who is defined as a [continuous shift employee](#) will be entitled to an additional five days annual leave per annum.
- 3.12.18. An employee's entitlement to paid annual leave will accrue progressively during a year of service where the employee is in a designated continuous shift work position at a rate of five weeks, i.e. 25 days or 187.5 hours per year.
- 3.12.19. Where an employee ceases continuous shift work part way through a year of service, the employee will accrue the additional annual leave up to when the continuous shift work ends.

Non-continuous shift employees

- 3.12.20. Where an employee works shifts other than defined as continuous, they will be entitled to an additional half day of annual leave for each Sunday worked in the previous calendar year, up to a maximum of five days additional annual leave per calendar year.
- 3.12.21. For non-continuous shift employees, Sundays worked include ordinary duty and rostered overtime that is of at least three hours duration and will be included in the calculation for additional annual leave.
- 3.12.22. Where an employee works two shifts on a Sunday (e.g. one ending early and one starting late in the day), only one shift will count for the purposes of accruing additional annual leave.
- 3.12.23. Additional leave credits will be credited at the end of the calendar year.

Payment of shift penalty rates on annual leave

- 3.12.24. Shift employees will receive payment of 100 per cent of the penalties attracted by their roster pattern (excluding public holiday penalties) while on annual leave.
- 3.12.25. Shift penalties are not paid for any other form of paid or unpaid leave unless otherwise provided for by legislation.

Additional annual leave for employees posted overseas

- 3.12.26. Employees posted overseas with the Department may receive additional annual leave as set out in the [Overseas Conditions of Service - Policy Statement \(HR-2158\)](#).

Additional annual leave for employees at remote localities

- 3.12.27. Where an employee is stationed either on an ongoing basis or on a term transfer or posting in a designated remote locality they will be entitled to additional annual leave in accordance with the remote localities conditions in the [WD](#):

Location	Additional leave
Albany, Bowen, Burnie, Cairns, Darwin, Eden, Geraldton, Port Augusta, Port Pirie, Portland, Townsville	2 days

OFFICIAL

Location	Additional leave
Broome, Esperance, Port Hedland, Port Lincoln	3 days
Carnarvon, Christmas Island, Cocos Islands, Dampier, Gove (Nhulunbuy), Norfolk Island, Thursday Island	5 days
Weipa, Outer Torres Strait	7 days

3.12.28. Additional annual leave will not start accruing until the employee has spent more than 30 calendar days in the location. After 30 calendar days, they will receive the accrual for the first month in arrears.

3.12.29. Where the duration of the deployment or temporary assignment is for a period of more than 30 days but less than 12 months, the additional leave will accrue on a pro-rata basis. Where the period is less than 30 days, the employee is not entitled to additional leave.

Cashing out annual leave

3.12.30. An employee may cash out an amount of accumulated annual leave per calendar year instead of taking the leave, provided that:

- the request is in writing, and
- the employee has taken a minimum of two weeks of annual leave during the preceding 12 month period (unless otherwise determined by the Secretary), and
- the employee's remaining accrued entitlement to annual leave will not be less than four weeks (20 days or 150 hours).

3.12.31. The taking of annual leave for a minimum period of two weeks means that the employee has been absent from the workplace for at least two working weeks and has used at least a minimum of 75 hours of their accrued annual leave; the leave does not need to have been taken in a continuous period.

3.12.32. In exceptional circumstances, an employee can request that the requirement to have taken a minimum of two weeks annual leave in the preceding 12 month period is waived. The delegation to approve these requests is held within People and Culture Division in accordance with the [HR Delegations](#).

3.12.33. Requests to vary the requirement to have taken two weeks leave prior to cash out should be submitted through the [Support Connect Portal](#) outlining the reasons for the request and with the endorsement of the employee's EL2 manager.

3.12.34. The annual leave cash out will be paid as if the employee had taken the leave i.e. it will include relevant allowances or shift penalties paid on annual leave consistent with eligibility requirements. Refer to [Payment of allowances on leave](#).

3.12.35. For employees whose work hours vary from week to week (e.g. part-time or shift employees), the cash out of annual leave will be calculated as follows:

Working arrangement	Payment
Part-time hours which vary from week to week	An average of the weekly hours for the pay period the annual leave cash out has been requested.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Working arrangement	Payment
Full-time shift work	<p>A payment equivalent to a standard working week of 37.5 hours and shift penalties calculated as an average of shift penalties over the roster cycle.</p> <p>If the employee has been on full-time shift work for less than 12 months, the calculation will be based on the average of all shift penalties earned to date.</p>

- 3.12.36. Employees performing higher duties may cash out annual leave providing they have satisfied the [eligibility criteria](#) for cashing out leave and must be paid the amount that would have been payable to the employee had the leave been taken.

Excess annual leave credits

- 3.12.37. Where an employee has in excess of two years annual leave credits (i.e. 300 hours for a full-time employee and a pro rata number of hours for a part-time employee), they may be directed by their manager to take up to a quarter of their annual leave credits.
- 3.12.38. For employees who accrue additional annual leave (i.e. continuous shift employees, employees in remote localities and sea-going marine employees), their additional leave accrual should be taken into account when calculating the equivalent of two years annual leave credits. For example, a continuous shift employee would be considered to have in excess of two years of annual leave credits with a balance of 375 hours.
- 3.12.39. The employee must take the leave at the time the direction is given and must be absent from the workplace if they are given such a direction.
- 3.12.40. Where an employee has excess annual leave credits:
- requests to take LSL will generally not be approved. Refer to section [3.16.15](#) for further information
 - requests to purchase leave will generally not be approved unless there is a valid reason for the use of the leave and the work area is able to accommodate all leave from an operational perspective.

Annual leave when personal leave is exhausted

- 3.12.41. Annual leave may be used if the employee has exhausted all paid personal leave credits.
- 3.12.42. For further information, refer to the [Unplanned Leave - Procedural Instruction \(HR-4751\)](#).

3.13. Ceremonial leave

- 3.13.1. Ceremonial leave does not count as service for any purpose.

Aboriginal and Torres Strait Islander employees

- 3.13.2. Ceremonial leave is provided to enable employees who are required by Aboriginal tradition or Torres Strait Island custom to attend traditional ceremonies, including the death of a member of the family, household or community/group to which the employee belongs.
- 3.13.3. Employees may request up to 10 days of unpaid ceremonial leave over a two year period.

Religious and cultural events

- 3.13.4. Employees requiring leave for other religious and/or cultural events may request up to 10 days of unpaid miscellaneous leave over a two year period

3.13.5. Employees may also request to use annual leave or flex credits for these events.

3.14. Defence Reserve leave

3.14.1. Defence Reserve leave is available to enable ongoing employees who are members of the Australian Defence Force Reserve (ADF Reserve) to meet peacetime training and deployment requirements, consistent with the [Defence Reserve Service \(Protection\) Act 2001](#).

Legal requirements

3.14.2. It is both Government policy and a legal requirement that the Department supports employees' participation in, and/or enables them to fulfil, ADF Reserve service, Continuous Full Time Service (CFTS) or Cadet Force obligations. Under law, employers:

- may be penalised for hindering an employee from participating in ADF Reserve service
- cannot force an employee to access accrued leave entitlements such as annual leave in order to participate in the ADF Reserve, CFTS or Cadet Force.

3.14.3. This means that eligible employees will be granted leave (with or without pay) to enable them to fulfil ADF Reserve, and CFTS or Cadet Force obligations.

Defence Reserve Leave entitlements

3.14.4. Members of the ADF Reserve are entitled to:

- up to 20 days paid Defence Reserve leave each calendar year for fulfilling service in the ADF Reserve, including training and operational duty, and
- an additional credit of 10 days paid Defence Reserve leave for the employee's first year of ADF Reserve service to complete initial training. This is a one-off credit and does not accrue.

3.14.5. The initial 30 days paid Defence Reserve leave is credited on commencement with the Department. Employees must provide supporting documentation from the ADF that they are a member of the ADF Reserve to [Support Connect](#) to arrange relevant credits. In subsequent years, the 20 day entitlement is credited on the 1st of January each year.

3.14.6. Defence Reserve leave:

- can be taken in complete blocks or in shorter periods through the year
- can be approved by all EL1s and above.

3.14.7. A delegate may also approve additional Defence Reserve leave if required.

- Additional unpaid Defence Reserve leave can be approved by all EL2s and above.
- Additional paid Defence Reserve leave:
 - can be approved by the Director, Employee Conditions and Relocations, or the AS, People Services Branch, People and Culture Division
 - will only be considered in exceptional circumstances.

Annual entitlement

3.14.8. The annual entitlement of 20 days for full-time employees is equal to four weeks based on a standard working week of 37.5 hours i.e. a total of 150 hours per year.

3.14.9. A sea-going marine employee will be provided with 200 hours of Defence Reserve leave which equates to 20 x 10 hour duty days.

- 3.14.10. An employee with a part-time variable working hours arrangement will have access to four weeks of their part-time hours in line with clause 3.4 of the [WD](#).

Evidence of Defence Reserve service

- 3.14.11. All applications for Defence Reserve leave should be supported with a Department of Defence [AE 380 Tri-Service Notice of ADF Reserve Service](#) (AE 380 form).

Accrual of Defence Reserve entitlements

- 3.14.12. Defence Reserve entitlements (excluding the additional 10 days provided in the first year of Defence Reserve service) can accumulate over a two year period, meaning that an employee may use up to a total of eight weeks Defence Reserve leave in the second accrual year.
- 3.14.13. Any entitlement accruing in this time must be used within two years from when it was first available.

Salary during Defence Reserve leave

- 3.14.14. Employees will continue to be paid salary during paid Defence Reserve leave with the exception of shift penalties and certain allowances (Refer to section [3.6.3](#) of this PI).
- 3.14.15. The Department will not require employees to pay their tax-free Defence Reserve salary to the Department in any circumstances.

Management of ADF Reserve absences

- 3.14.16. Reservists have some flexibility in the timing of their training. Managers and employees should negotiate suitable times for training to fit in with the requirements of the ADF Reserve and the Department's operational requirements.
- 3.14.17. When requesting Defence Reserve leave, employees must provide their manager with as much notice as possible of the required leave dates to allow managers to plan appropriately. It would be expected that, in most cases, employees would provide at least two months' notice that they are required to undertake Defence Reserve service, although there may be occasions when this cannot be provided.
- 3.14.18. Where operational requirements will make it difficult for work areas to release an employee to undertake their Defence Reserve service, managers must contact the relevant ADF Unit point of contact on the AE 380 form to discuss and possibly negotiate alternative dates.
- 3.14.19. If an AE 380 form is not available, the manager must contact Defence Reserve Support on 1800 803 485 to discuss the issue.

Applying for paid Defence Reserve leave

- 3.14.20. Employees cannot currently apply for paid Defence Reserve leave in easySAP, so the following process must be followed:

OFFICIAL

Step	Who	What
1	Employee	<ul style="list-style-type: none"> • Discusses requirement for Defence Reserve leave with manager, including dates and a copy of the AE 380 form (Note: Employee should provide manager with as much notice as possible). • Obtains written approval from delegated manager (i.e. EL1 or above). <ul style="list-style-type: none"> ○ Note: Applications for additional paid Defence Reserve leave can be approved by Director, Employee Conditions and Relocations Section or AS People Services Branch, People and Culture Division. Applications for additional unpaid Defence Reserve leave can only be approved by EL2s and above.
2	Manager	<ul style="list-style-type: none"> • Considers the request noting the Department's responsibility to accommodate the leave request. • Discusses with the delegate. • If operational issues are identified, contacts the relevant ADF Unit point of contact to discuss.
3	Delegate	<ul style="list-style-type: none"> • Advises the employee in writing whether leave is approved or not approved.
4	Employee	<ul style="list-style-type: none"> • Submits the delegated manager's approval and the AE 380 form through the Support Connect portal for processing.
5	Support Connect	<ul style="list-style-type: none"> • Confirms Defence Reserve leave entitlements and processes the leave request.

Additional Defence Reserve leave

- 3.14.21. Where an employee has used all of their paid Defence Reserve leave entitlement and is required by the ADF to undertake additional periods of Defence Reserve service, including associated training, the delegate (EL2 and above) may approve additional unpaid Defence Reserve leave. Requests to grant additional paid Defence Reserve leave sits with Director Employee Conditions and Relocations Section or AS, People Services Branch, People and Culture Division.
- 3.14.22. Generally, additional leave will be without pay, but will count as service for all purposes.
- 3.14.23. An employee cannot be forced to use annual leave, LSL or any other form of accrued leave for required periods of Defence Reserve service. However, employees may choose to access paid leave credits.

Continuous Full Time Service

- 3.14.24. CFTS with the ADF is separate to Defence Reserve requirements and relates to continuous periods of full-time employment with the ADF. CFTS may be voluntary or at the request of the ADF.
- 3.14.25. Where an employee requests leave for voluntary CFTS and it will be difficult for the work area to release the employee due to operational requirements, the manager should liaise with the employee and their ADF Unit point of contact to discuss and negotiate alternative dates.
- 3.14.26. If the employee has been notified by the relevant Defence Chief as being required to undertake CFTS, the Department must release the employee for the period required on unpaid leave.
- 3.14.27. Unpaid leave for the purpose of CFTS counts for all purposes except annual leave.

3.14.28. Employees may choose to use annual, purchased or LSL credits in combination with unpaid leave to undertake CFTS.

3.15. Jury service leave

3.15.1. Paid jury service leave is provided to employees for:

- the time they are required by the court to attend a jury selection process and perform jury service
- reasonable travelling time to and from the court
- a reasonable rest period after completing jury service.

3.15.2. Employees must notify their manager as soon as practicable:

- that they have been summoned for jury service and/or selected as a juror, and
- the relevant dates they are required to attend and expected return date (if known).

They must also provide evidence of the requirement to attend.

3.15.3. Employees will be required to use their own leave or flex for any additional time they wish to take once they are no longer required by the court i.e. outside the jury selection process or performance of jury service.

3.15.4. Jury service includes reasonable travelling time which is generally considered to be up to one hour each way. However, individual circumstances may be taken into account.

3.15.5. Determination of reasonable rest periods will need to take into account the length of time the employee was required for jury duty, the nature of the proceedings and the employee's personal circumstances.

Example

Victor is an employee working flex-time who is summoned to appear for jury selection at 09:00. He is advised that he is no longer required by the court at 11:00. However, Victor contacts his manager and requests the rest of the day off. Victor should enter the leave as follows:

Times	Leave	Comments
08:00 – 12:00	Jury service leave	Includes one hour reasonable travelling time each way.
13:00 – 17:00	Annual or flex	As Victor has been excused by the court, he will be required to use his own leave or flex for the remainder of the work day.

3.15.6. Employees will be paid by the Department for any period of jury service on days they would normally work. Any payments received by employees from the court for undertaking jury service (other than expenses reimbursed by the court, such as parking) must be paid to the Department.

3.15.7. Any payment received for jury service on a rostered day off or for a day they would not normally be paid by the Department can be retained by the employee.

3.15.8. Other payments or reimbursement from the court for costs incurred for car parking, meals or travel can also be retained by the employee regardless of whether the employee would normally have worked.

3.16. Long service leave

- 3.16.1. LSL is paid leave, available in recognition of extended Government service.
- 3.16.2. It provides eligible employees who have had more than 10 years of service with the opportunity to take extended leave, or shorter blocks of leave, in addition to annual leave entitlements for rest and relaxation purposes.
- 3.16.3. Approval of LSL is subject to operational requirements.

Entitlement

- 3.16.4. LSL will accrue and be available to eligible employees in accordance with the [LSL Act](#).
- 3.16.5. LSL accrues at the rate of three tenths of a month (or nine calendar days) for each year of completed service with the APS or other Government agencies covered by the [LSL Act](#).
- 3.16.6. LSL is accessible to employees after serving a qualifying period of 10 years of APS or other eligible service as follows:
 - three months of leave on completion of ten years of APS or other Government employment
 - nine calendar days for each subsequent completed year of employment.
- 3.16.7. LSL counts as service for all purposes and may be granted at full pay or half pay.
- 3.16.8. Casual employees are eligible to accrue LSL.

Accessing and using LSL

- 3.16.9. Employees cannot access LSL until they have completed 10 years of qualifying service in line with the provisions of the LSL Act.
- 3.16.10. LSL accrues in calendar days and must be taken in calendar days. This means that public holidays, weekends and rostered days off during periods of LSL are deducted from LSL credits.
- 3.16.11. The minimum period of LSL that may be granted is seven consecutive calendar days at full pay or 14 consecutive calendar days at half pay.
- 3.16.12. Applications for LSL must be submitted as one continuous period and cannot be broken by weekends, public holidays, rostered days off or any other types of leave such as annual and purchased leave.
- 3.16.13. Managers must not grant LSL:
 - for periods of less than seven consecutive calendar days at full pay or 14 consecutive calendar days at half pay
 - for periods which exclude weekends, public holidays or rostered days off
 - in patterns where a period of annual leave or purchased leave breaks the LSL period.

Incorrect usage

Example 1: Weekends and/or rostered day off (RDO)

LSL should not be granted in the following patterns:

- LSL / weekend and RDO / LSL
- LSL / weekend and public holiday / LSL
- LSL / weekend / LSL.

OFFICIAL

Example 2: Purchased leave

LSL should not be granted in the following patterns:

- LSL / annual leave / LSL
- LSL / purchased leave / LSL.

- 3.16.14. LSL can be approved in combination with other types of leave, public holidays and rostered days off, provided the minimum period for taking LSL is met and the LSL is taken in one continuous period.

Correct usage

Examples:

LSL can be granted in the following patterns providing the minimum periods are met:

- annual leave / LSL / annual leave / return to work
- purchased leave / LSL / annual leave / return to work
- weekend / public holiday / LSL / annual leave / return to work
- LSL / annual leave / public holiday / return to work
- RDO / weekend / LSL / return to work
- LSL / weekend / public holiday / return to work.

- 3.16.15. LSL will not be approved where employees have excess annual leave credits unless they are taking annual leave in conjunction with their LSL, which will reduce their annual leave balance (noting that annual leave cannot break a period of LSL).
- 3.16.16. Employees should request LSL to commence on the first working day that the leave is to commence, and cease on the last working day immediately before the employee is due to return to duty, provided the total leave period meets the minimum period for taking LSL.

Examples:

1. LSL at full pay

Jeff is an employee working flex-time who requests one week of LSL at full pay. His last day at work is Friday, 31/01/2020. His leave request on easySAP would reflect his LSL leave commencing on Monday 03/02/2020 and ending on Sunday 09/02/2020. This application meets the seven day **minimum period** for taking LSL at full pay. His return to work would be Monday 10/02/2020.

If Jeff had requested two weeks LSL at full pay, his leave request on easySAP would reflect his leave commencing on Monday 03/02/2020 ending on Friday 14/02/2020. Even though the leave ends on a Friday, it meets the seven day minimum period for taking LSL at full pay (12 days in total). His return to work would be Monday 17/02/2020.

2. LSL at half pay

If Jeff had requested two weeks of LSL at half pay, his leave request on easySAP would reflect his leave commencing from Monday 03/02/2020 ending on Sunday 16/02/2020. This application meets the 14 day **minimum period** for taking LSL at half pay. His return to work would be Monday 17/02/2020.

3. Extending LSL (full or half pay where minimum period for taking LSL has been met)

Following on from the previous example, if Jeff needed to extend his LSL for another week for personal reasons, his leave request on easySAP would reflect the leave commencing from Monday 17/02/2020 and ending on Sunday 23/02/2020. The leave is entered from Monday as LSL must be taken in one continuous period and cannot be broken by other types of leave, weekends, public holidays or rostered days off.

4. Incorporating RDOs into a LSL application

Shona is an employee working flex-time who wants to take three weeks LSL at full pay during a period where she is scheduled to have three periods of rostered days off. Shona works a roster schedule where she is rostered to work Tuesday to Saturday each week over an eight week roster. Shona’s last rostered working day before commencing leave is Saturday 01/02/2020. The period of leave requested includes the following rostered days off:

- Sunday 02/02/2020 and Monday 03/02/2020
- Sunday 09/02/2020 and Monday 10/02/2020
- Sunday 16/02/2020 and Monday 17/02/2020
- Sunday 23/02/2020 and Monday 24/02/2020.

Shona’s last working day is Saturday 01/02/2020 and she plans to return to work on Tuesday 25/02/2020.

Shona’s leave request on easySAP would reflect her LSL leave commencing from Tuesday, 04/02/2020, her first rostered working day following the commencement of leave and ending on Saturday 22/02/2020, which would be her last rostered working day during the leave period (a total of 19 days LSL).

Her leave application does not include her rostered days off at the beginning and end of her LSL as the total period of LSL taken at full-pay meets the [minimum period](#) for taking LSL at full-pay. However, the LSL period does include her rostered days off in the middle of the LSL period. This is because LSL cannot be broken by other types of leave, weekends, public holidays or rostered days off. Shona returns to work on Tuesday 25/02/2020, the first day she is rostered for duty following her period of LSL.

5. Combining full-time and part-time LSL credits

Anastasia is an employee working flex-time who wants to take seven days LSL at full pay. Anastasia has credits of 5.6 days full-time LSL and 2.3 days part-time LSL.

As LSL must be taken in full days, Anastasia can request a combination of five days full-time LSL and two days part-time LSL to meet the minimum period for taking LSL.

Anastasia will not be able to access the LSL credits remaining of 0.6 days full-time, or the 0.3 days part-time, as they are not full days.

Please note, requests to combine full-time and part-time LSL credits will need to be forwarded to Support Connect through the [Support Connect portal](#), including dates and delegate approval.

- 3.16.17. LSL will be deducted from an employee’s LSL balance based on the number of days LSL is taken, providing the request meets the [minimum period](#) for taking LSL.

LSL at half pay

- 3.16.18. LSL may be taken at half pay, provided a minimum of 14 calendar days is taken.
- 3.16.19. Electing to take leave at half pay means the employee’s salary and eligible allowances will be reduced by half of what they would have received if the leave had been taken at full pay.
- 3.16.20. Leave accruals during the period of LSL at half pay will be based on the employee’s working arrangements i.e. a full-time employee will continue to accrue leave on a full-time basis and a part-time employee will continue to accrue leave on a pro-rata basis.

Examples

1. LSL half pay in conjunction with public holidays

Sally is an employee working flex-time and requests LSL at half pay over a period that runs in conjunction with Easter. The minimum leave that can be requested at half pay is 14 days. She submits a leave application from Friday 27 March 2020 to Thursday 9 April 2020. This

Released by Department of Home Affairs under the Freedom of Information Act 1982

application can be approved as it meets the [minimum period](#) for taking LSL at half-pay, 27 March to 9 April is 14 days, and the leave commenced on a working day. The public holiday for Good Friday 10 April and Easter Monday 13 April are outside the LSL period and are paid at full pay as public holidays. Sally is due to return to work on Tuesday 14 April.

2. Extension of LSL

Due to personal circumstances, Sally needs to extend her absence to 17 April but she has insufficient annual leave credits. She will need to extend her LSL leave using further LSL. An extension of LSL cannot be separated by weekends, rostered days off, public holidays or any other type of leave, which means Sally must extend her LSL commencing from 10 April, the day immediately following the previous period of LSL approved.

Sally can request an extension of LSL for the period from 10 to 17 April as follows:

- LSL half pay (the total continuous period of absence taken at half pay is greater than 14 days) or,
- LSL full pay (the extension period meets the minimum seven day requirement for LSL full pay).

In this example, Good Friday (10 April) and Easter Monday (13 April) will all be paid as LSL in line with the payment rate at which the LSL is taken (full or half pay).

Access to other leave during LSL

3.16.21. Where employees wish to use other leave while on LSL, they may apply to have their LSL substituted with the relevant leave type. This is subject to the employee being eligible for the substituted leave and delegate approval; and that the leave being submitted is non-discretionary leave. Employees must:

- obtain supporting evidence in accordance with the relevant leave type
- discuss with their manager and obtain written approval from the relevant delegate to substitute the period of LSL and re-apply for the appropriate leave type
- forward the request, including dates, delegate approval and supporting documentation, to Support Connect through the [Support Connect portal](#).

3.16.22. The following table outlines access to other eligible leave while on LSL:

Leave type	Access
Annual leave	A period of LSL cannot be broken by annual leave. However, a period of annual leave can be broken with LSL.
Personal leave/ war service sick leave	An approved period of LSL may be substituted with personal leave subject to the following: <ul style="list-style-type: none"> • supporting documentation must be provided, including for periods of personal leave of three days or less • the remaining LSL does not need to be in a block of seven days at full pay or 14 days at half pay.
Maternity leave	Employees on unpaid maternity leave may break their unpaid leave with a period of LSL, provided the LSL is approved, meets the minimum period for taking LSL (at full or half pay) and does not exclude weekends and public holidays.

OFFICIAL

Leave type	Access
Parental leave	<p>Employees on unpaid parental leave may break their unpaid leave with a period of LSL in line with the above provisions for maternity leave i.e.</p> <ul style="list-style-type: none"> the period requested meets the minimum period for taking LSL (at full or half pay) and does not exclude weekends and public holidays the period of LSL requested is not broken by any other period of leave (e.g. LSL/annual/unpaid leave/LSL).
<p>Other:</p> <ul style="list-style-type: none"> Compassionate/ bereavement leave Emergency services volunteer leave Jury service leave Defence Reserve leave 	<p>Where relevant supporting evidence is provided, an approved period of LSL may be substituted with these leave types.</p> <p>The remaining LSL does not need to be in a block of seven days at full pay or 14 days at half pay.</p>

Using LSL when personal leave credits are exhausted

- 3.16.23. If an employee has exhausted all paid personal leave credits, they may access LSL in accordance with the relevant eligibility requirements.
- 3.16.24. For further information, refer to the [Unplanned Leave - Procedural Instruction \(HR-4751\)](#).

Payment of allowances on LSL

- 3.16.25. The LSL Act determines which allowances are payable while on LSL as follows:

Allowance	Comments/conditions
Competency Assessment and Training Officer Allowance Custodial Firearms Instructor Allowance Community Language Allowance Operational Safety Trainer/Operational Capability Trainer Allowance Self-Contained Breathing Apparatus Allowance Use of Force Allowance Workplace Responsibility Allowance Marine Operational Safety Trainer Allowance	Payable for all LSL providing the employee retains eligibility for the payment during the period of LSL.
Higher Duties Allowance (HDA)	Payable providing that the: <ul style="list-style-type: none"> employee was receiving HDA immediately before going on LSL, and the manager certifies that the employee would have continued to act in a higher position but for going on LSL.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Allowance	Comments/conditions
District Office Allowance	Payable providing that: <ul style="list-style-type: none"> the employee remains in the location in respect of which the allowance is payable, or if the person is absent from the location, the person's spouse, de facto partner or family (for the purposes of LSL) remain in the location during any part of the period that the employee is absent from the location.
Sea-going commuted allowance	May be payable for periods of up to 18 days of LSL providing that it has not been paid on other leave.
Composite surveillance allowance	May be payable for periods of up to 10 days of LSL providing that it has not been paid on other leave.

*Family (for the purposes of LSL only) is defined in regulation 15(4) of the *Long Service (Commonwealth Employees) Regulation 2016* and includes the child, parent, grandparent, grandchild or sibling of the person or a child, parent, grandparent, grandchild or sibling of a spouse or de factor partner of the person.

Eligible prior service

3.16.26. The LSL Act determines:

- what is employment in Government service for the purpose of transferring LSL credits when commencing with the Department (section 10 of the [LSL Act](#))
- what service counts towards eligible prior service in determining LSL entitlements on commencement with the Department (sections 7 and 11 of the [LSL Act](#))
- what is considered to break service for the purposes of LSL (section 12 of the [LSL Act](#)).

Summary of eligible prior service – joining the Department

Previous employment	Service	Provision
Employees who commence employment with the Department from: <ul style="list-style-type: none"> other APS agencies Australian Federal Police Australian Security Intelligence Organisation. 	Is government service as per section 10 of the LSL Act	LSL credits can be transferred, provided any break in service is less than 12 months. Note: periods of leave (including unpaid leave) do not break continuity of service. LSL credits transferred will take into account any LSL paid out on cessation of previous employment.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Previous employment	Service	Provision
<p>Employees who commence employment with the Department from:</p> <ul style="list-style-type: none"> • ADF • State/Territory Government Agencies (e.g. State/Territory Police forces • ACT Government. 	<p>Is eligible prior service as per section 11 of the LSL Act</p>	<p>LSL credits cannot be transferred.</p> <p>Prior service in these agencies will be recognised for the purposes of calculating LSL entitlements under the LSL Act.</p> <p>LSL entitlements will be calculated as though all service was in the Department and will take into account any LSL taken and/or paid out on cessation.</p> <p>Break in service cannot exceed 12 months.</p> <p>If the break between the two periods of employment is greater than 12 months, the earlier employment will not be recognised for the purpose of calculating LSL entitlements. This is referred to as a break in continuity of service.</p> <p>Note: periods of leave (including unpaid leave) do not break continuity of service.</p>

Employees with eligible prior service - joining the APS

If an employee leaves their previous employment with prior service	and	then
<p>and had already met the qualifying period for LSL (i.e. completed 10 years' service) and had not taken any of their LSL credits prior to leaving</p> <p>or</p> <p>and had not met the qualifying period for LSL</p>	<p>less than 12 months passes before the employee joins the APS</p>	<p>previous LSL entitlements cannot be transferred to the Department. However, service in previous employment can be recognised to calculate LSL entitlements under the LSL Act.</p>
<p>and had already met the qualifying period for LSL (i.e. completed 10 years' service) and had not taken any of their LSL credits prior to leaving</p> <p>or</p> <p>and had not met the qualifying period for LSL</p>	<p>more than 12 months passes before the employee joins the APS</p>	<p>for the purpose of the LSL Act, if the gap between the two periods of employment is more than 12 months, the earlier employment will not be recognised for calculating LSL entitlements. This is referred to as a break in continuity of service.</p> <p>The employee will need to work another 10 years to meet the initial qualifying period.</p>
<p>and had met the qualifying period for LSL (i.e. completed 10 years' service) but had taken or was paid out some of their LSL credits prior to leaving</p>	<p>less than 12 months passes before the employee joins the APS</p>	<p>any LSL taken or credits paid out on cessation of employment are taken into account when calculating any credits on commencement with the Department.</p> <p>Additionally, LSL credits on commencement with the Department are calculated as if all of the service was undertaken under the LSL Act provisions.</p>

Released by Department of Home Affairs under the Freedom of Information Act 1982

Requesting recognition of prior service for leave purposes

- 3.16.27. Employees with eligible prior service should arrange for the [Recognition of Prior Service form](#) to be completed by their previous employers and sent to the [Support Connect portal](#) with a copy of their leave records.
- 3.16.28. For further information, refer to [Prior Service Recognition](#) on MyHR.

Ceasing Commonwealth employment and LSL

- 3.16.29. Employees who have completed at least 10 years of service and cease Commonwealth employment will have any unused LSL credits paid out on ceasing employment.
- 3.16.30. Employees with unused LSL credits who are transferring to another agency covered by the LSL Act (e.g. another APS agency or AFP) cannot have their LSL credits paid out; they must be transferred to the new employer.
- 3.16.31. Employees with less than 10 years' service but at least one year of service who cease Commonwealth employment may be eligible for pro-rata payment of their LSL credits as follows:

Cessation type	Provisions
Age retirement (i.e. over 55)	Payment in lieu of LSL or may take the pro-rata LSL which has accrued. If pro-rata LSL is taken as leave it must be taken on full pay and must be taken contiguous with the cessation of the employment.
Redundancy	Payment in lieu of LSL or may take the pro-rata LSL which has accrued. If pro-rata LSL is taken as leave it must be taken on full pay and must be taken contiguous with the cessation of the employment.
Invalidity retirement	Payment in lieu of LSL only.
Death	Payment in lieu of LSL only. Made to any recognised dependants or the deceased's estate.
Resignation due to ill health	Payment in lieu of LSL only. Medical evidence must be provided stating the nature of the ill health and that the employee is resigning due to this ill health.

- 3.16.32. Where an employee ceases Commonwealth employment for any other reason e.g. resigns to join non APS employment, there are no provisions for payment in lieu of LSL or taking any pro-rata LSL where they have less than 10 years' service.

Temporary transfers and LSL

- 3.16.33. Employees temporarily transferring to another APS agency or an agency covered by the LSL Act, will not have their LSL credits transferred unless:
 - the period of transfer exceeds 12 months, and
 - the employee specifically requests the transfer of the LSL credits, and
 - the receiving agency agrees to the transfer.

Leave without pay

- 3.16.34. The LSL Act gives employers (including the Department) the authority to determine whether leave without pay (LWOP) counts as service for the purpose of granting LSL.

OFFICIAL

- 3.16.35. The [WD](#) provides that LWOP will not count as service unless specified by legislation or as determined by the Secretary.
- 3.16.36. In accordance with subsections 12(2), (3), (10) of the [LSL Act](#), the following types of unpaid leave will count as service for the purposes of LSL:
- personal leave for personal illness or injury without pay
 - unpaid leave to undertake CFTS with the ADF.
- 3.16.37. LWOP that does not count as service defers the date on which LSL entitlement accrues.

Employment as a locally engaged employee

- 3.16.38. Employees who have miscellaneous LWOP approved to undertake employment as a locally engaged employee (LEE) overseas will generally have this leave approved not to count as service (NTCAS).
- 3.16.39. However, under the provisions of subsection 11(3) of the [LSL Act](#), employment as a LEE can be claimed as prior service on return to the Department.
- 3.16.40. In effect, the employee will not accrue the LSL at the time they are performing LEE duties but the period of service as an LEE will be recognised to determine LSL accrual on their return.

Example

Fred has miscellaneous LWOP NTCAS approved for the period 01/01/2020 to 31/12/2020 to work as a LEE. Fred's LWOP means that his leave accruals will cease during the period of LWOP.

On his return to duty in the Department, Fred can submit a [Recognition of Prior Service](#) form to [Support Connect](#) to have the 12 month period recognised for the purposes of LSL accruals.

Working part-time

- 3.16.41. Employees who work part-time receive the same LSL entitlements and accrue LSL at the same rate as full-time employees.
- 3.16.42. However, the salary they are paid when taking LSL which accrued while working part-time will be based on the hours worked.
- 3.16.43. In accordance with section 20 of the [LSL Act](#), where an employee is taking LSL which accrued during part-time service, payment is made at the greater of the average of the hours per week worked:
- over the whole period of part-time service, or
 - in the most recent 12 months of part-time work.
- 3.16.44. The rate of salary paid during LSL is based on whether the employee is accessing their full-time or part-time LSL credits irrespective of their working arrangements (i.e. full-time or part-time) at the time they are taking the leave.

Example

Louise works 25 hours per week during her ninth and tenth years of APS service before resuming full-time work again.

One year later, Louise takes LSL and has the option of taking LSL which accrued while she worked at either full-time or part-time hours.

If Louise chooses to use the part-time LSL credits, the LSL she takes will be paid based on 25 hours per week of her current full-time salary.

Casual employees and LSL

- 3.16.45. Casual employees are eligible to accrue LSL, provided any break in employment is not more than 12 months.
- 3.16.46. In this case, a break in employment means the break between two periods of duty with the Department (or with another APS agency or the AFP).
- 3.16.47. As with other employees, LSL credits do not accrue until 10 years qualifying service has been completed.
- 3.16.48. For casual employees, LSL is calculated using the same methodology as part-time employees. Casual employees who have met or are about to meet the 10 year qualifying period may contact Support Connect through the [Support Connect portal](#) to determine their LSL credits.

3.17. Miscellaneous leave

- 3.17.1. Miscellaneous leave is discretionary leave that may be granted for an absence which is not provided for elsewhere in the [WD](#), or where the delegate considers the leave to be in the interests of the Commonwealth.

Granting of leave

- 3.17.2. Miscellaneous leave is generally granted as LWOP, although in some circumstances, it may be granted with pay. It is expected that employees would use their annual leave or LSL credits prior to commencing a period of miscellaneous LWOP.
- 3.17.3. Generally, miscellaneous leave with pay (MLWP) will only be granted where the Department has initiated the leave, for example, in cases where the Department has shut down an office or work area due to an emergency event or natural disaster.
- 3.17.4. MLWP cannot be approved by business areas; any requests for MLWP must be approved by a People and Culture Division delegate.
- 3.17.5. Where miscellaneous leave is approved with pay it will count as service for all purposes.
- 3.17.6. Miscellaneous LWOP will generally not count as service unless specifically authorised or prescribed by other legislation. For example, LWOP to undertake CFTS with the ADF will count as service for all purposes except annual leave.
- 3.17.7. The delegate will use discretion, on a case by case basis, to approve miscellaneous LWOP to count as service (TCAS). This delegation is held by the First Assistant Secretary (FAS), People and Culture Division, AS People Services Branch and Director Employee Conditions and Relocations Section.
- 3.17.8. The granting of miscellaneous leave (either with or without pay) is subject to provision of appropriate supporting documentation or other satisfactory evidence, as requested, except in cases where the Department has initiated the miscellaneous leave.
- 3.17.9. Approval of miscellaneous leave is discretionary (including for caring purposes) and will be approved only where the delegate considers it reasonable in the circumstances.

Determining eligibility for miscellaneous leave

- 3.17.10. The test for whether approving miscellaneous leave is reasonable will include consideration of the following circumstances:
 - the availability of other more appropriate leave types
 - the reason for the proposed leave
 - whether the leave applied for is paid or unpaid

OFFICIAL

- the employee's length of service
- the employee's recent leave history
- the operational needs of the work area and the Department generally.

- 3.17.11. If the delegate does not consider it reasonable in the circumstances to grant the requested leave, the delegate must notify the employee of the reason for that decision in writing within 21 days of the request.
- 3.17.12. The delegate may approve an application for miscellaneous leave for an alternative period if the requested period is not considered reasonable or cannot be approved at the time requested for operational reasons.

Circumstances where miscellaneous leave with pay may be granted

- 3.17.13. Miscellaneous leave with pay may be approved in certain circumstances including, but not limited to:

Circumstance	Conditions and maximum absence
Employee is unable to attend for duty or remain on duty due to closure of a departmental office or work area due to emergency situation or natural disaster (e.g. flood or bushfire events which prevent access to the work site)	As determined by FAS People and Culture Division
Employee's home, property or contents have been destroyed or significantly damaged by a disaster event – Emergency leave	Three days
Moving days associated with a Department-initiated and funded relocation	Two days

Miscellaneous leave with pay – Emergency leave

- 3.17.14. On and from 4 November 2022, employees will be eligible for emergency leave in situations where their home, property or contents have been destroyed or significantly damaged by a disaster in order to arrange repairs, clean up and/or make the property safe.
- 3.17.15. The employee's home is the primary residence lived in while attending their normal workplace. This does not include holiday homes, investment properties or the home of a person that does not reside with the employee.
- 3.17.16. Emergency leave is MLWP TCAS.
- 3.17.17. Employees will be granted up to three days of MLWP TCAS, including shift penalties, for each occasion which can be taken in one continuous period, or in separate periods.
- 3.17.18. A disaster is an occurrence which requires significant response by emergency service organisations. This could be (but not limited to):
- fire
 - flood
 - storm
 - earthquake
 - cyclone
- 3.17.19. Refer to the [Unplanned Leave - Procedural Instruction \(HR-4751\)](#) for further information.

OFFICIAL

Circumstances where miscellaneous LWOP may be granted

- 3.17.20. The delegation to approve miscellaneous LWOP NTCAS is held in the relevant work area based on the period of leave requested and can be approved by:
- up to 12 months - EL2 and above
 - exceeding 12 months and up to 24 months - EL2 Employee Support Services, Regional Commanders/Regional Directors, SES Band 1 and above
 - more than 24 months - EL2 Employee Support Services, SES Band 1 P&C Division, SES Band 2 and above.
- 3.17.21. Any requests from employees for LWOP TCAS must be supported by the employee's work area. Where approved, the employee will continue to accrue annual, personal and LSL as though they were at work, increasing the work area's leave liability.
- 3.17.22. The table below provides guidance to employees and delegates in determining whether miscellaneous LWOP should be approved and whether a request for the leave TCAS should be supported:

Circumstance	Miscellaneous LWOP?	Conditions/Comments	Recommended maximum absence
Christmas/New Year period	TCAS	Where a delegate (SES Band 1 or above) has directed an employee to take leave over the Christmas/New Year period and the employee does not have sufficient paid leave or flex, then LWOP TCAS will be approved by the Director Employee Conditions and Relocations or Assistant Secretary, People Services Branch	As directed by the delegate
Religious and/or cultural events other than those provided by ceremonial leave	NTCAS	This leave is similar in nature to ceremonial leave and should be approved if operationally viable. Alternatively, employees may request to use other types of leave such as, flex, time off in lieu, annual leave or purchased leave.	Up to 10 days over a two year period
Long-term illness or injury where the employee has exhausted all of their personal leave credits and the use of other leave is not possible/ appropriate	No - unpaid personal leave	Unpaid personal leave for illness or injury should be used in circumstances where an employee has a long term illness and injury and has exhausted their paid personal leave credits. Employees are required to provide supporting evidence for the illness/injury. This LWOP counts as service for LSL only. Employees may also access other paid leave credits in accordance with this policy prior to commencing on unpaid personal leave. Refer Unplanned Leave – Procedural Instruction (HR-4751) .	N/A

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Circumstance	Miscellaneous LWOP?	Conditions/Comments	Recommended maximum absence
Caring for a family or household member of the employee who has a long-term illness or injury where the employee has exhausted all of their personal leave credits and the use of other leave is not possible/ appropriate	NTCAS	<p>Employees may be granted LWOP NTCAS for long term caring responsibilities.</p> <p>Supporting evidence stating the duration of the employee's caring responsibilities will be required to support requests that extend beyond two days.</p> <p>Refer to the Unplanned Leave – Procedural Instruction (HR-4751) for further information regarding long-term caring responsibilities.</p> <p>In accordance with the FW Act, employees with available paid personal leave credits must access their paid leave before LWOP NTCAS.</p>	As determined by the delegate
Additional compassionate/ bereavement leave	NTCAS	<p>Employees who require additional paid leave for these reasons may request leave such as flex, time off in lieu, annual leave, purchased leave or, where appropriate, personal leave.</p> <p>If the employee does not have available paid leave credits, LWOP NTCAS may be approved.</p>	As determined by the delegate
To prepare or give evidence as a witness on behalf of the Department	Not required	<p>Employees who are called to attend court on behalf of the Department would be considered to be on a duty day and are not required to apply for leave.</p> <p>Where the employee is required to travel for this purpose they will be eligible for domestic travel allowance in accordance with clause 9.20 of the WD.</p>	N/A
To attend court in relation to matters not related to official duties	NTCAS	<p>Employees required to attend court for personal matters should use their own leave entitlements or access flex.</p> <p>If the employee has no paid leave available, then LWOP NTCAS may be approved.</p>	As determined by the delegate
To attend proceedings relating to workplace issues, whether required by the Department or the Fair Work Commission, as a witness in industrial proceedings	May be appropriate	<p>Employees who are required to attend proceedings on behalf of the Department would be considered to be on duty and leave is not required.</p> <p>Where the attendance is not required by the Department, employees may request to use their own appropriate paid leave credits or may apply for miscellaneous LWOP NTCAS.</p>	As determined by the delegate

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Circumstance	Miscellaneous LWOP?	Conditions/Comments	Recommended maximum absence
To prepare for and represent Australia at an international sporting event	NTCAS	<p>Employees may request to use their own paid leave entitlements (e.g. annual, purchased, LSL) or they may apply for miscellaneous LWOP NTCAS.</p> <p>Employees should provide their manager with as much notice as possible to enable alternative staffing arrangements to be made (if required) and to enable the employee to participate.</p> <p>Managers are encouraged to approve the use of appropriate paid leave for employees where requested, particularly where they are representing Australia as either a competitor or accredited official at events such as the Olympic Games, the Commonwealth Games, the Paralympics Games or a World Championship for individual sports.</p>	As determined by the delegate
Engagement in work or employment in the interests of defence or public safety	NTCAS	Refer to the Outside employment and voluntary activities – Instruction and Guideline for further guidance.	As determined by the delegate
Additional leave for certain duties associated with voluntary emergency service activities: State Emergency Services fire-fighting services search and rescue or other similar volunteer community service performing similar functions.	As determined by delegate	<p>Additional paid emergency service volunteer leave may be provided for:</p> <ul style="list-style-type: none"> • ongoing emergency response activity to a large scale natural disaster which requires extended emergency management, or • reasonable travel and recovery time as part of an extended response. • Refer to the Unplanned Leave – Procedural Instruction (HR-4751) for further information. • Miscellaneous LWOP NTCAS may be approved in the following circumstances: <ul style="list-style-type: none"> ○ other related emergency service activities such as regular training and ceremonial duties ○ employees who are not volunteers of emergency management bodies who wish to volunteer for other community services ○ to provide assistance to other jurisdictions e.g. overseas ○ to provide assistance as part of their usual volunteer role but receive payment from a third party. 	As determined by the delegate

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Circumstance	Miscellaneous LWOP?	Conditions/Comments	Recommended maximum absence
Engagement in private sector employment (associated with compensation leave)	NTCAS	In accordance with the provisions of the SRC Act . Also refer to the Outside employment and voluntary activities - Instruction and Guideline for further guidance.	
Accompanying a partner on a posting (associated with Commonwealth employment)	NTCAS	Leave may be granted for an employee to accompany their partner on a temporary posting overseas or within Australia. This leave is not appropriate where the employee's partner is permanently relocated interstate or overseas. Where regular postings are a feature of the partner's employment, applications for LWOP will be considered on a case by case basis.	For the duration of the posting up to a maximum period of five years
To work as a LEE in a departmental position overseas.	NTCAS	Employees wishing to work as a LEE overseas may be provided with LWOP NTCAS. Employees who performed work as a LEE can have their service recognised for the purposes of LSL on their return to the Department. Also refer to the Outside employment and voluntary activities - Instruction and Guideline for further guidance.	12 months but extensions may be granted subject to review
Employment in the interests of the Commonwealth	NTCAS	Generally, this would be provided as LWOP NTCAS. The relevant People and Culture Division delegate (depending on the length of leave requested) may approve LWOP TCAS on a case by case basis. Note: Under the provisions of section 49 of the Australian Public Service Commissioner's Directions 2022 , LWOP must be granted to ongoing APS employees who apply for the leave to undertake or continue employment under: <ul style="list-style-type: none"> • the Governor-General Act 1974 or • the Members of Parliament (Staff) Act 1984. 	12 months but extensions may be granted subject to review.
Long term leave for full-time study	NTCAS	In exceptional circumstances, the delegate may consider providing this leave TCAS. For example, a departmental sponsored scholarship for study of direct relevance or benefit to the Department.	As determined by the delegate

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Circumstance	Miscellaneous LWOP?	Conditions/Comments	Recommended maximum absence
Other purposes not related to official duties including, but not limited to: personal study, travel, or family responsibilities	NTCAS	Employees who request leave not related to official duty should use their own leave entitlements (e.g. annual, purchased, sabbatical or LSL). Where the use of other leave is not appropriate, miscellaneous LWOP NTCAS may be approved. Approval of leave for this purpose is subject to operational requirements.	Up to 12 months

Requesting miscellaneous LWOP TCAS

- 3.17.23. Employees who request LWOP TCAS must prepare a business case and obtain endorsement from their manager and the work area EL2 (or above). The business case should provide the reason for the leave request, its duration, and the justification for the leave TCAS.
- 3.17.24. Where the request relates to a purpose in the interests of the Commonwealth, the business case should also outline the name of the organisation, the nature of the duties and how the purpose will be of direct benefit to the Department.
- 3.17.25. The endorsed business case should be addressed to the AS, People Services Branch and sent to Support Connect through the [Support Connect portal](#) for consideration by a People and Culture Division delegate.
- 3.17.26. Factors that the People and Culture Division delegate will consider in determining whether the leave should count as service include, but are not limited to whether:
- the Department has initiated or is sponsoring the activity e.g. actively encouraged an employee's appointment with the organisation
 - the activity will effectively mean that the employee is, to some extent, representing the Department and/or the Australian Government
 - the activity is related to wider government policy, for example, in relation to foreign relations or capability building
 - there is a clear and definable link between the Department and/or Government policy and the activity
 - the organisation has Australian Government endorsement and/or representation, and
 - the financial impact of the leave liability and possible superannuation costs associated with the leave counting as service.

Applying for miscellaneous leave

- 3.17.27. Employees should submit requests for miscellaneous leave as follows:

OFFICIAL

Leave type	How to apply
Miscellaneous leave with pay (MLWP)	<p>MLWP will generally only be granted where the leave is initiated by the Department. Requests for MLWP should be sent to Employee Conditions and Relocations (ECR) through the Support Connect portal. The request must include a business case endorsed by the relevant work area's AS for referral to the delegate.</p> <p>If the delegate approves the request, ECR will advise the employee and Support Connect, who will input the leave in easySAP on behalf of the employee.</p> <p>Note: In emergency situations where office closure is required, Regional Commanders/Regional Directors should contact their People Business Partner to co-ordinate delegate approval.</p>
Miscellaneous leave with pay (MLWP) - Emergency leave	<p>The employee should discuss the leave request with their manager.</p> <p>The manager will advise whether any supporting evidence is required.</p> <p>Requests for MLWP, with relevant supporting information and/or documentation, should be sent through the Support Connect portal. The request will be assessed within the People and Culture Division.</p> <p>If the delegate approves the request, employees will be advised and it will be forwarded to Support Connect, who will input the leave in easySAP on behalf of the employee.</p> <p>Refer to Unplanned Leave - Procedural Instruction (HR 4751) for further information.</p>
Miscellaneous LWOP NTCAS to work as a LEE overseas	<p>The employee should discuss the leave request with their manager.</p> <p>The manager should advise whether the application is likely to be supported and whether any supporting evidence is required.</p> <p>Employees can request LWOP NTCAS via easySAP: Employees > Leave > Leave Request > Other > Work locally engaged EE overseas (LWOP).</p> <p>The request will then workflow to the appropriate delegate for consideration.</p>
Miscellaneous LWOP NTCAS for study purposes	<p>The employee should discuss the leave request with their manager.</p> <p>The manager should advise whether the application is likely to be supported and whether any supporting evidence is required.</p> <p>Employees can request LWOP NTCAS via easySAP: Employees > Leave > Leave Request > Other > Misc LWOP for study purposes.</p> <p>The request will then workflow to the appropriate delegate for consideration.</p>
Miscellaneous LWOP NTCAS - Other	<p>The employee should discuss the leave request with their manager.</p> <p>The manager should advise whether the application is likely to be supported and whether any supporting evidence is required.</p> <p>Employees can request LWOP NTCAS via easySAP: Employees -> Leave > Leave Request - Other > Misc LWOP.</p> <p>The request will then workflow to the appropriate delegate for consideration.</p>
Miscellaneous LWOP TCAS	Refer Requesting miscellaneous LWOP TCAS .

OFFICIAL

Requesting an extension of miscellaneous leave

Miscellaneous LWOP NTCAS

- 3.17.28. A request to extend miscellaneous LWOP NTCAS can be approved by the relevant work area delegate based on the total amount of LWOP being requested. Refer to Circumstances where miscellaneous LWOP may be granted.
- 3.17.29. Where an employee requests an extension to their LWOP NTCAS within the time period that the original delegate can approve, the original delegate can approve the extension.
- 3.17.30. If the employee requests an extension which will take the total period of LWOP NTCAS over the period for which the original delegate can approve, it must be referred to the next level delegate.

Example 1

Rosie originally requested LWOP NTCAS for a period of six months which was approved by her EL2 manager. She wants to take another three months LWOP NTCAS.

As her EL2 can approve LWOP NTCAS for a total period up to 12 months, they can approve the extension.

Example 2

Byron originally requested LWOP NTCAS for two years to accompany his partner overseas. This was approved by his AS. Due to an extension to his partner's overseas posting, he wishes to extend his LWOP NTCAS for another two years.

His AS can only approve LWOP NTCAS for a period up to 24 months; the extension to his LWOP will need to be considered by his FAS or Deputy Secretary who can approve LWOP NTCAS for periods greater than 24 months.

Miscellaneous LWOP TCAS and miscellaneous leave with pay

- 3.17.31. The delegation to approve these requests is held by the FAS People and Culture Division, AS People Services Branch and Director Employee Conditions and Relocations Section.
- 3.17.32. These requests must be sent through the [Support Connect Portal](#) with the work area's endorsement/recommendation (EL2 or above) for delegate consideration.
- 3.17.33. In the case of approved miscellaneous leave of six months or less, applications should be provided as soon as the employee is aware that the extension may be necessary.
- 3.17.34. Where an extended period of miscellaneous leave was initially approved (i.e. six months or more), the extension request should (where possible) be submitted at least one month prior to the completion of the current period of approved leave.

Delegate considerations

- 3.17.35. The delegate will consider each request on a case by case basis.
- 3.17.36. In considering the extension, the work area manager and the delegate will take into account:
- the reason for the extension request
 - the period of leave already approved/taken
 - the current resourcing arrangements in the work area for the period of the extension
 - the prospects of placement on the employee's return (particularly where it is an extended period of leave), and
 - operational requirements, including succession and workforce planning.

OFFICIAL

Conditions relating to an extension of miscellaneous leave

- 3.17.37. In making a decision to approve a request for extension of leave, either short-term or extended miscellaneous leave, the delegate may review and change the conditions under which the original leave application was approved, for example:
- the period of extension will be unpaid leave, even though the original period may have been approved at full or half pay, or
 - the extension of leave may not count as service for any purpose even though the original period of leave did count as service.
- 3.17.38. If the application for extension is not approved, the employee will be advised, in writing, of the reasons for this decision by the delegate within 21 days of the request.
- 3.17.39. All approvals for extensions to miscellaneous leave must be sent through the [Support Connect Portal](#) so that the leave can be entered into easySAP.

Early return from miscellaneous leave

- 3.17.40. Employees who wish to return to work from miscellaneous leave earlier than the original agreed date, must contact their manager to discuss the possibility of an earlier return and put the request in writing.
- 3.17.41. The manager will consider operational and resourcing impacts of the early return and advise the employee verbally, and then in writing within 21 days of the request, whether the request can be accommodated and if so, the revised return to work date.

Placement on return from extended miscellaneous leave

- 3.17.42. Where miscellaneous leave is approved for an extended period (either initially or via extension), an employee's home division/command is responsible for placing them on return either into the employee's previous nominal position or a position that is:
- at their substantive level
 - in their home division/command
 - in their home location
 - in a position which matches their skills and capabilities.
- 3.17.43. This placement will occur unless an alternative position or placement outside of the Division has been negotiated and agreed by both the employee and manager prior to the employee's return. Alternative positions may be negotiated at an employee's request or as a result of a functional realignment and/or structural change. Where this occurs, consultation will be undertaken with the employee.
- 3.17.44. Refer to the [Managing long term employee absences - Procedural Instruction \(HR-1806\)](#).

Circumstances where miscellaneous LWOP is not available

- 3.17.45. Miscellaneous LWOP is not available:
- to employees who are not eligible under the terms of their employment, for example those who are,
 - on probation
 - a cadet, trainee or graduate
 - a casual employee,
- or,

OFFICIAL

- to employees if it would result in a debt to the Department (refer below for information about salary packaging and purchased leave arrangements), including employees who,
 - have a salary packaging agreement, unless the employee has made alternative payment arrangements, or
 - have a purchased leave agreement which has not been fully repaid, unless
 - the employee has sufficient purchased leave credits available to repay the debt prior to the miscellaneous leave commencing and the delegate approves that the purchased leave agreement may be ceased and the credits used to pay out the debt
 - in the case of short-term miscellaneous LWOP (for example, LWOP approved for religious or cultural purposes), the purchased leave payments are able to be deducted from fortnightly salary as per the purchased leave agreement.

3.17.46. This may apply where employees:

- are on probation
- are a cadet, trainee or graduate
- are a casual employee
- have a salary packaging agreement, unless the employee has made alternative payment arrangements, or
- have a purchased leave agreement which has not been fully repaid, unless
 - the employee has sufficient purchased leave credits available to repay the debt prior to the miscellaneous leave commencing and the delegate approves that the purchased leave agreement may be ceased and the credits used to pay out the debt
 - in the case of short-term miscellaneous LWOP (for example, LWOP approved for religious or cultural purposes), the purchased leave payments are able to be deducted from fortnightly salary as per the purchased leave agreement.

3.18. NAIDOC leave

3.18.1. Employees are eligible for one day of paid leave each year to enable their participation in activities relating to NAIDOC Week. The leave counts as service for all purposes.

Taking NAIDOC leave

3.18.2. Employees should discuss leave arrangements with their manager/supervisor prior to any request for NAIDOC leave to ensure that operational requirements are not impacted by the proposed leave.

3.18.3. NAIDOC leave may be approved as either:

- a full day absence, or
- multiple part day absences to the equivalent of one full day across NAIDOC Week.

3.18.4. Either full day or part day absences cannot exceed an employee's normal standard working hours.

3.18.5. If an employee is part-time, then a full day absence on NAIDOC leave will be pro-rata based on their average weekly hours.

Example 1

Barbara works part-time three days per week (eight 1/2 hours on two days and eight hours on one day). Her average weekly hours are 25 hours per week. Her pro-rata NAIDOC leave entitlement is five hours ($25/5 = 5$ hrs).

Documentary evidence requirements

- 3.18.6. There is no requirement to provide documentary evidence for attendance at NAIDOC Week activities but employees must seek their manager’s approval prior to attending any events. All absences must be recorded in easySAP through a NAIDOC leave application.

Applying for NAIDOC leave

- 3.18.7. Employees can apply for NAIDOC leave in easySAP via:
 - Employees > Leave > Leave Request > Other > NAIDOC Leave.

3.19. Purchased leave (44/52)

- 3.19.1. Employees (excluding employees on probation) may purchase from one to eight weeks (or 300 hours) additional leave per year. For the purposes of purchased leave a year is 12 months, which commences from the nominated purchase date. The purchased leave period is the time over which the employee elects to repay the salary associated with the leave purchased.
- 3.19.2. Purchasing leave reduces an employee’s fortnightly salary on a pro-rata basis over a maximum period of 12 months (the purchased leave period). The pro-rata calculations are based on the number of weeks leave the employee elects to purchase.
- 3.19.3. Purchased leave is LWOP TCAS but, when taken, attracts salary payment at the rate the leave was purchased.
- 3.19.4. By submitting a purchased leave application for approval, employees are authorising the pro-rata salary deductions (purchased leave payment) to be spread over the elected purchased leave period.
- 3.19.5. Employees wishing to purchase leave prior to commencing an extended period of LWOP must finalise the repayments prior to commencing the LWOP.
- 3.19.6. Employees must use purchased leave within 12 months from the commencement of the purchased leave period.

Example 1

Rita purchases two weeks leave to assist with child care responsibilities over school holidays. She would like to repay the related salary deductions as quickly as possible.

Rita sets a purchased leave period of six months rather than repaying the salary over 12 months.

Her salary will be reduced on a pro-rata basis over the six month period based on the cost of purchasing an additional two weeks leave.

Even though Rita has elected a six month purchased leave period, she has up to 12 months to use the leave from the commencement of the purchased leave period.

- 3.19.7. The cost of purchased leave does not include allowances, and allowances are not paid when the employee takes the leave.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

- 3.19.8. Employees who purchase less than eight weeks leave and wish to purchase additional leave during the purchased leave period, up to the maximum of eight weeks, must repay the additional salary within 12 months of the original purchase date i.e. overlapping periods are not permitted.
- 3.19.9. Any additional leave, up to the eight week period, can only be purchased and used within the original 12 month period. This means that the 12 month period does not restart from the date additional leave is purchased.

Example

Peter wants to take four weeks leave to care for his children during school holidays. He applies for purchased leave. He wishes to pay back this leave over a six month period. After the six month period, Peter wishes to purchase an additional two weeks purchased leave. The additional two weeks must be paid back and used over the remaining six month period and his salary for the six month period is reduced proportionately by the value of the leave.

- 3.19.10. Employees can purchase leave for any private purpose with the exception of taking up employment with another employer.
- 3.19.11. Purchased leave is not an automatic entitlement. Approval to purchase leave is subject to a manager's assessment of the capacity of the employee's work area to manage the employee's additional absence.
- 3.19.12. Where an employee has excess annual leave credits, a request by that employee to purchase leave is not to be approved unless there is a valid reason for the use of the leave and the work area is able to accommodate all leave from an operational perspective.

Example

An employee is:

- seeking to take an extended holiday overseas using a combination of annual leave, LSL and purchased leave, or
- is preparing to take maternity leave (where maternity leave includes a period of unpaid leave, the purchased leave period can commence from the date of purchase up to the last full pay period prior to commencement of unpaid maternity leave).

Purchasing leave

- 3.19.13. The minimum period for purchasing leave is one working week.
- 3.19.14. Approval to purchase leave is discretionary, having consideration for the employee's personal circumstances (e.g. the reasons for requesting the purchase of leave and available balances of other leave such as annual leave) and the operational requirements of the work area.
- 3.19.15. Employees and managers are encouraged to discuss applications to purchase leave prior to the employee submitting a request in easySAP to find an appropriate balance.
- 3.19.16. Employees can apply for purchased leave through easySAP:
- Employees > Leave Request > Annual/Purchased/LSL > Purchased Leave (buying).
- 3.19.17. Employees must select the number of weeks leave they wish to purchase (as discussed with their manager) and the number of weeks in the repayment period (the purchased leave period). This will workflow to the employee's manager for approval.
- Note:** Once purchase leave applications have been approved by the Delegate, the number of weeks requested displays in easySAP as hours based on the employee's standard working week. For example, two weeks leave will display in easySAP as 75 hours for full-time employees, or pro-rated for part-time employees.

OFFICIAL

3.19.18. Once the manager has approved the buying of purchased leave, employees can request to use purchased leave through easySAP:

- Employees > Leave Request > Annual/Purchased/LSL > Purchased Leave (taking).

3.19.19. The taking of purchased leave is subject to prior approval from the employee's manager.

3.19.20. Purchased leave is credited and deducted in hours.

Effect of changing working hours

3.19.21. If an employee with approved purchased leave arrangements changes their working hours, and salary deductions have commenced, this will not affect:

- the number of hours of leave purchased (e.g. employees who were working 20 hours per week and purchased two weeks of leave, have purchased 40 hours of leave. This will not change if an employee changes their working hours)
- the salary deductions each fortnight to pay for the leave
- the repayment periods in the purchased leave agreement.

Transfer from other agencies

3.19.22. The Department will not accept other agencies' purchased leave agreements.

3.19.23. Employees should finalise any previous purchased leave arrangement with their former agency prior to commencement with this Department.

Using purchased leave

3.19.24. Purchased leave cannot be cashed out during the agreed repayment period, and it cannot be taken at half pay.

Unused purchased leave

3.19.25. Employees who have unused purchased leave 12 months from the date the first purchased leave payment was deducted from their pay will be refunded the unused leave as a lump sum at the rate it was purchased.

Position changes

3.19.26. Employees who change position must re-negotiate access to purchased leave with their new manager. The Department will endeavour to accommodate the additional leave but this may not always be possible for operational reasons.

3.19.27. Employees who are unable to access their purchased leave in their new position will have any unused purchased leave refunded.

3.19.28. Purchased leave is not generally available to employees who are on an overseas posting.

Changes to a purchased leave agreement

3.19.29. Once the purchased leave period is approved and salary deductions have commenced, a purchased leave agreement cannot be varied or ceased, other than in exceptional circumstances such as extreme financial hardship to the employee.

3.19.30. The employee's EL1 manager support must be obtained if employees are seeking to vary purchased leave agreements. Employees must contact Support Connect through the [Support Connect portal](#) requesting variation to the arrangement with their EL1 manager's written agreement to variation or cancellation.

OFFICIAL

- 3.19.31. Changing from full-time to part-time hours during a purchased leave agreement is not considered to be exceptional circumstances.
- 3.19.32. Where an employee with a purchased leave agreement ceases to be employed with the Department (including transfer to another department or agency), they will be either refunded the unused leave as a lump sum at the rate it was purchased or required to pay back any remaining monies owing.

Effect on salary

- 3.19.33. Effectively, purchasing leave allows an employee to take LWOP TCAS by receiving a reduced fortnightly salary over the purchased leave period. The alternative would be to take a period of unpaid leave with no fortnightly salary and, in most circumstances, NTCAS.
- 3.19.34. Purchased leave spreads the cost of the LWOP over a maximum period of 12 months.
- 3.19.35. The extent to which the employee's fortnightly salary is affected will depend on:
- the number of weeks of leave purchased, and
 - the nominated purchased leave payment period.

Example 1

Ernie is an APS4 earning \$59,619 per annum.

- He purchases four weeks leave with a value of \$4,571.44.
- He elects for his purchased leave deductions to be pro-rated over a 12 month period.
- The amount he will have deducted from his pay on a fortnightly basis is \$175.26.
- This is calculated as follows, using the fortnightly pay formula for 26 pay periods in a year:
\$4,571.44 multiplied by 12 and divided by 313.

Example 2

Sharif is also an APS4 earning \$59,619 per annum.

- He purchases three weeks leave at a value of \$3,428.58.
- He elects for his purchased leave deductions to be pro-rated over a six month period.
- The amount he will have deducted from his pay on a fortnightly basis is \$262.89.
- This is calculated as follows, using the fortnightly pay formula for 26 pay periods in a year:
\$3,428.58 multiplied by 12 and divided by 156.5 (half of 313).

Even though Sharif has paid for his purchased leave in a six month period, he still has 12 months from the date of purchase to use the leave.

Effect of salary changes

- 3.19.36. Changes in salary after an employee has entered a purchased leave agreement will not impact on the agreed salary deductions.

Example

Richard negotiates a purchased leave agreement as an APS4. Two months later Richard is promoted to an APS5. He uses the leave two months after his promotion and is paid the rate in which the leave was purchased, APS4. The amount deducted from Richard's salary will not be adjusted to include the increase in salary created by the promotion.

Taxation

- 3.19.37. Purchased leave reduces the employee's annual salary during the financial year and affects taxable income. Employees may wish to seek advice from their personal financial/tax adviser on the implications of taking purchased leave in relation to their personal circumstances.

Overtime

- 3.19.38. Employees who have a purchased leave agreement will be paid overtime based on their substantive salary i.e. what the salary would have been had leave not been purchased.

Superannuation contributions

- 3.19.39. An employee's superannuation contributions will be based on the employee's substantive salary i.e. what the salary would have been had leave not been purchased.
- 3.19.40. For more information about superannuation, employees should visit the Commonwealth Superannuation Corporation or contact their superannuation fund for the latest information.

3.20. Sabbatical leave

- 3.20.1. The Department's sabbatical leave scheme operates over a five year period, during which the employee works for the Department for four years then takes a one year period of leave, with salary spread over five years.
- 3.20.2. An employee whose sabbatical leave application is approved agrees to forgo 20 per cent of their normal or base salary on each payday in each of the four years immediately prior to taking one year of leave.
- 3.20.3. After completing the four year work period, employees are provided with one year of leave and will receive 80% of their normal base salary at the time they commence the leave.
- 3.20.4. While the fifth year of the sabbatical leave scheme is considered as LWOP, employees continue to receive 80% of their salary for this period.
- 3.20.5. The first four years of the sabbatical leave scheme will count as service for all purposes, and the fifth year will not count as service for any purpose.
- 3.20.6. The scheme is based on:
- the employee's annual salary, excluding allowances, overtime and shift work penalties, and
 - the employee's full pay (or part-time equivalent) salary during the four year work period, not taking into account periods of leave taken at a reduced rate of pay e.g. half pay LSL.
- 3.20.7. Changes to an employee's salary e.g. increases due to salary advancement, will also result in changes to the amount of salary paid during the period of their leave.
- 3.20.8. During the four year work period, employees who take:
- half pay leave (e.g. LSL at half pay) will continue to have their salary reduced by 20% of their usual full pay salary rate. This is in addition to salary reductions for any half pay leave taken during the period
 - up to one month's LWOP will have the amount that is outstanding in relation to their participation in the sabbatical leave deducted on their return.
 - more than one month's LWOP for any purpose, excluding maternity, adoption/foster and/or parental leave, will have their participation in the scheme terminated.
- 3.20.9. An employee accessing the sabbatical leave scheme cannot also apply for purchased leave.

Eligibility

- 3.20.10. Eligibility for the sabbatical leave scheme is for ongoing departmental employees who have:
- at least two years continuous employment with the Department
 - an expectation of continuing to be employed by the Department for five years from the date of commencing on the scheme, and
 - not joined and then subsequently withdrawn from the scheme in the previous two years, other than in exceptional circumstances.
- 3.20.11. Employees should discuss with their manager if they are considering applying for the sabbatical leave scheme and the proposed timing prior to applying. Approval in the scheme is subject to operational and business planning requirements.
- 3.20.12. Managers must advise the employee whether their application for sabbatical leave will be supported.

Applying for sabbatical leave

- 3.20.13. Employees must apply in writing to their AS/Commander/Regional Commander to participate in the sabbatical leave scheme. Employees are required to complete a sabbatical leave form which can be requested through the [Support Connect portal](#). The form:
- sets out the date agreed between the employee and the manager for commencement in the scheme
 - confirms the employee will not terminate the arrangement without the agreement of their manager
 - acknowledges that, in the event that the employee's participation in the scheme terminates, they will be refunded the amount equal to the actual monies accrued during the four year work period less (where applicable) the actual monies paid up to the date of leaving the scheme in the one year of extended leave
 - authorises the Department to reduce their normal rate of salary by 20% for four years (the four year work period) from the commencement date of the agreement, with the 20% reduction being exclusive of other salary reductions during the four year period, and
 - authorises the Department to pay 80% of the employee's normal salary, which otherwise would be payable if not for taking the one year continuous period of leave under the sabbatical leave scheme.
- 3.20.14. Approved agreement forms must be forwarded through the [Support Connect portal](#) for salary action and record keeping purposes.

Effect of transfers at level and/or promotion

- 3.20.15. Employees who are promoted or transferred to another Branch, Division or Region may continue to participate in the scheme.
- 3.20.16. However, at the time of the transfer or promotion, employees must seek approval of their new AS/Commander/Regional Commander for the timing of the commencement of the period of the extended leave. If approval cannot be granted, the employee will have their participation in the scheme terminated.
- 3.20.17. For employees who are promoted, the salary paid during the scheme will reflect the promotion salary.

OFFICIAL

Deferral

- 3.20.18. An employee may ask to defer the commencement of the one year sabbatical leave provided the request is made in writing to the AS/Commander/Regional Commander at least three months prior to the scheduled commencement of the year of sabbatical leave (noting a lesser period of notice may be accepted in exceptional circumstances).
- 3.20.19. An AS/Commander/Regional Commander may agree to defer the commencement of the one year sabbatical leave for a period of up to 52 weeks provided:
- the employee is notified in writing, at least six months prior to the scheduled commencement of the one year extended leave period
 - the AS/Commander/Regional Commander confirms that the employee is considered essential for the operational needs of the Division or Region during the extended leave period, and
 - pay arrangements during the deferral period are agreed with the employee.
- 3.20.20. The timing of the commencement of the one year sabbatical leave may also be deferred for an employee on unpaid maternity, adoption/foster or parental leave, for the period of unpaid leave.

Leaving the scheme

- 3.20.21. An AS/Commander/Regional Commander may approve for an employee to leave the scheme during the four year work period.
- 3.20.22. [Support Connect](#) should be provided with at least two months' notice that an employee is leaving the scheme.
- 3.20.23. Employees who leave the scheme will receive a refund of an amount equal to the actual monies accrued during the four year work period, less (where applicable) the actual monies paid up to the date of leaving the scheme in the one year of extended leave. No interest will be paid because of the taxation ruling preventing such payments (see below at [3.20.39](#) to [3.20.41](#)).

Commencing sabbatical leave

- 3.20.24. Sabbatical leave can only commence following completion of the four year payment period.
- 3.20.25. Prior to commencing the one year sabbatical leave, employees must complete a Staff Return Agreement. Refer to the [Managing long-term employee absences - Procedural Instruction \(HR-1806\)](#) for further information.

While on sabbatical leave

- 3.20.26. Employees who have commenced the one year sabbatical leave (i.e. in the fifth year of the scheme), may only be permitted to return to work early if there are exceptional circumstances.

Terminating sabbatical leave

- 3.20.27. An employee's participation in the sabbatical leave scheme will terminate where the employee:
- retires
 - resigns
 - transfers or is promoted to another APS department or agency
 - otherwise ceases to be an employee of the Department, including because of death or dismissal for disciplinary reasons
 - takes LWOP for more than 30 calendar days, excluding unpaid adoption/foster, maternity or parental leave

OFFICIAL

- is on another approved leave type such as extended personal leave for illness or injury
- is on compensation leave that extends into the one year of sabbatical leave in the fifth year.

3.20.28. Where consideration is being given to terminating an employee's participation in the sabbatical leave scheme, the employee is to:

- be given notice in writing that consideration is being given to terminate their participation in the scheme
- be provided with the reasons why this is being considered
- be provided with the opportunity to respond
- receive a refund in accordance with paragraph 3.20.23.

Interaction of sabbatical leave with adoption/foster, maternity or parental leave

3.20.29. Employees who are granted adoption/foster, maternity or parental leave during the four year work period and wish to continue to participate in the scheme, are required to:

- take their paid adoption/foster, maternity leave or parental leave and formally authorise the Department in writing to continue to reduce their annual salary by 20% of what they would otherwise be entitled to during this period of paid leave, and
- defer the timing of commencement of the one year's leave in the fifth year by the equivalent period of LWOP that is used during any unpaid adoption/foster, maternity leave or parental leave.

Sabbatical leave and part-time work

3.20.30. Employees who join the scheme and undertake part-time work during the four year work period will be paid during the one year sabbatical leave period at the rate of 80% of the average hours worked over the four years.

Shift work penalties and overtime

3.20.31. Overtime and shift work penalties for employees in the sabbatical leave scheme are paid based on the normal rate of annual salary i.e. the 20% reduction is not taken into account.

3.20.32. Regular shift work penalties and overtime are not included in determining the 80% salary received during the four year working period or the one year period of sabbatical leave.

Higher duties allowance

3.20.33. Employees may receive higher duties allowance (HDA) during the four year work period.

3.20.34. During the period of HDA, employees will be paid the difference between their 100% substantive classification salary level and the 100% salary level of the higher position, in addition to 80% of their normal salary rate.

3.20.35. HDA is not included in determining the 80% salary during the one year period of sabbatical leave.

Other allowances

3.20.36. Employees will continue to be paid eligible allowances during the four year work period as if they were not participating on the sabbatical leave scheme.

3.20.37. Where allowances are calculated based on salary, they will continue to be calculated based on the employee's normal rate of salary at 100% during the four year working period.

- 3.20.38. Allowances are not included in determining the 80% salary during the one year period of sabbatical leave.

Taxation

- 3.20.39. Under present taxation legislation, an employee who joins the scheme will be taxed only on actual salary received in respect of the four year work period and the one year sabbatical leave period.
- 3.20.40. Employees should contact their own financial/tax adviser directly before agreeing to join the scheme in order to determine how this leave will affect their personal circumstances.
- 3.20.41. Employees should also consider the tax implications if they leave the scheme without using the leave and receive a lump sum payment.

Superannuation

- 3.20.42. The fifth year of the scheme will not count for superannuation purposes.
- 3.20.43. Given the complexity of superannuation arrangements, employees should contact the Commonwealth Superannuation Corporation or their relevant super fund directly, before joining the sabbatical leave scheme, to discuss the impacts on superannuation.
- 3.20.44. The Department will pay the full employer contributions (based on 100% of the employee's salary) for the first four years. Generally, no employer contributions will be paid for superannuation during the sabbatical leave period in the fifth year of the scheme.

Returning from sabbatical leave

- 3.20.45. On return from sabbatical leave, the employee is expected to resume duty in the home division/command where they worked prior to the commencement of leave.
- 3.20.46. If a restructure has occurred and the former work area no longer exists, the responsibility of placing the employee into a new position sits with the division/command that has responsibility for the function the employee performed prior to commencing leave.
- 3.20.47. For further information, refer to the [Managing long term employee absences – Procedural Instruction \(HR-1806\)](#).

Employment during the fifth year of sabbatical leave

- 3.20.48. Employees must not work for the APS under any circumstances, or in any capacity, during the fifth year of the sabbatical leave period.
- 3.20.49. Employees may engage in non-APS employment subject to approval for outside employment.
- 3.20.50. Refer to the [Outside employment and voluntary activities - Instruction and Guideline](#) for further guidance.

Using other leave during the scheme

- 3.20.51. During the four year work period, employees may access annual leave or LSL. The Department will continue to reduce their annual salary by 20% of the annual salary to which they would otherwise be entitled during this period of leave. If leave is taken at half pay, then their salary entitlement will continue to be reduced by 20% of normal salary while the employee is on half pay.
- 3.20.52. Where an employee takes compensation leave that extends beyond 45 continuous weeks or an aggregate of 45 weeks at reduced pay, the employee's salary will continue to be reduced by 20% of their normal salary while they are also on reduced pay.

- 3.20.53. Employees will receive leave credits based on their employment status (e.g. full-time, part-time) and normal rate of salary (i.e. 100%) during the four year work period.
- 3.20.54. Employees participating in the scheme will retain their entitlements to compensation as prescribed by the [SRC Act](#).

4. Accountabilities and Responsibilities

Role	Description
Employees	<p>Employees are responsible for:</p> <ul style="list-style-type: none"> • using leave appropriately and for the intended purpose in accordance with all relevant policies, procedural instructions and legislation • submitting all leave requests in a timely manner to ensure that leave records are correct and to avoid overpayments • discussing their leave plans with their manager in advance to allow their manager to consider operational and business planning options.
Managers	<p>Managers are responsible for:</p> <ul style="list-style-type: none"> • ensuring employees use leave appropriately and in line with all relevant policies, procedural instructions and legislation • applying consistent and transparent decision making when considering requests for planned leave • monitoring use of planned leave and ensuring that employees are not accruing excess annual leave credits • ensuring they hold the delegation to approve a requested leave type in accordance with the HR delegations and referring requests which they cannot approve to the appropriate delegate.
Employee Conditions and Relocations Section, People Services Branch	<p>Employee Conditions and Relocations Section is responsible for:</p> <ul style="list-style-type: none"> • providing advice to employees and managers on more complex planned leave queries • coordination and administration of leave requests for People and Culture Division delegate approval.
Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	<p>Workforce Management and Conditions Section is responsible for:</p> <ul style="list-style-type: none"> • providing policy advice and guidance in relation to planned leave arrangements to stakeholders across the Department including the ABF • policy development and updates in relation to this PI to ensure currency and relevance.
Payroll Services Branch, People and Culture Division	<p>Payroll Services is responsible for:</p> <ul style="list-style-type: none"> • managing requests from employees, managers and delegates in relation to leave requests as required.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	8 April 2019	Workforce Management and Conditions Section, People Management Branch	Initial draft to support WD for consultation
0.2	10 July 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Review following consideration of staff consultation and feedback.
0.3	19 November 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Review following consideration of staff consultation and feedback.
0.4	10 September 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Review following consideration of staff consultation and feedback.
0.5	6 July 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Revised to include feedback from PPCF and PPCF Legal.
0.6	03 November 2023	Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	Updated following consideration of feedback from the staff consultation process. Approved for minor amendment.

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Accrual		The accumulation of leave entitlements over a set period of time in accordance with the provisions of the WD .
Australian Border Force	ABF	As defined in section 4 of the <i>Australian Border Force Act 2015</i> , the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Australian Public Service	APS	The APS is established under the <i>Public Service Act 1999</i> . People employed in the APS work in public administration roles within Australian Government departments and agencies.
Casual employee	Casual	A non-ongoing employee engaged under section 22(2)(c) of the <i>Public Service Act 1999</i> for duties that are irregular or intermittent.
Contiguous		Adjoining or next to, sharing a common border.
Continuous shift employee		A shift employee who is: <ul style="list-style-type: none"> employed in a part of the Department where shifts are continuously rostered over the 7 days of each week, and is regularly rostered to work those shifts, and regularly works on Sundays and public holidays.
Credit		When accrued leave is added to the employee's leave balance and becomes available for use.
De facto partner	De facto	Means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (irrespective of gender).
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to HR Delegations .
Department of Home Affairs	The Department	The Department of Home Affairs.
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2020/01.

OFFICIAL

Term	Acronym (if applicable)	Definition
Department of Home Affairs Determination 2020/01 and Department of Home Affairs Determination 2022/01	Section 24(1) determination	A determination made by the Secretary under section 24(1) of the <i>Public Service Act 1999</i> that outlines the increases to employees' salary and salary related allowances up until 9 February 2023.
Dependant		<p>The employee's partner, a child, parent or aged relative of the employee, or the employee's partner, who ordinarily lives with the employee and who is totally or substantially dependent on the employee.</p> <p>Dependant can also include a child of the employee who does not ordinarily live with the employee but for whom the employee provides substantial financial support.</p>
Discretionary leave		Any leave other than non-discretionary leave (see definition below).
Eligible service		The length of time that an employee works for the Department, including any prior APS service.
Employee		An ongoing or non-ongoing employee engaged under section 22 (2) of the <i>Public Service Act 1999</i> .
Exceptional circumstances		<p>Circumstances or situations which:</p> <ul style="list-style-type: none"> • are unusual, special or out of the ordinary than usually experienced • rarely occur and generally would be outside what would be expected or anticipated.
Excess annual leave credits		An annual leave credit in excess of two years accrual i.e. 300 hours for a full-time employee and a pro rata number of hours for a part-time employee.
Extended absence		An absence from the workplace for a continuous period of at least three months.
<i>Fair Work Act 2009</i>	FW Act	The FW Act is the key piece of Commonwealth legislation about employer and employee rights and responsibilities at work. This Act provides the minimum employment standards and conditions that apply to most people employed in Australia.
Family or household member		<p>Means:</p> <ul style="list-style-type: none"> • a former or current partner, child, parent, grandparent, grandchild or sibling of the employee • a child, parent, grandparent, grandchild or sibling of a former or current partner of the employee • a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the employee belongs • any person dependent on the employee for care or support.

OFFICIAL

Term	Acronym (if applicable)	Definition
Full-time employee		An employee who works 37.5 hours per week or 75 hours per fortnight, or average thereof.
Leave balance		The amount of leave credit available to an employee at a point in time. It is the amount credited to an employee minus any leave taken.
Locally engaged employee	LEE	Employees are engaged overseas to perform work for the Department at an overseas post. LEEs support and complement the professional capacities of departmental employees by providing essential in-country knowledge, networks and continuity. LEEs are engaged locally under section 74 of the Public Service Act 1999; and are subject to local labour laws and local labour market conditions.
<i>Long Service Leave (Commonwealth Employees) Act 1976</i>	LSL Act	The LSL Act is the legal authority for the provision of long service leave (LSL) for Commonwealth employees. It also authorises recognition of prior service for LSL purposes for certain eligible employment.
Manager		Means a supervisor, section head or team leader of an employee.
<i>Maternity Leave (Commonwealth Employees) Act 1973</i>	ML Act	The ML Act is the legal authority which provides the entitlement to maternity leave for Commonwealth employees.
National Employment Standards	NES	The NES are 10 minimum standards of employment under the FW Act. The national minimum wage and the NES make up the minimum entitlements for employees in Australia.
Non-discretionary leave		Means: <ul style="list-style-type: none"> • parental leave as provided by the WD and the FW Act • personal/carers/compassionate leave as provided by the WD and the FW Act <p>community service leave, including jury service and voluntary emergency management activities as provided by the WD and the FW Act.</p>
Not to count as service	NTCAS	Leave without pay generally does not count as service. This means that during the period of unpaid leave employees do not accrue annual, personal or LSL. Superannuation contributions are also not made.
Paid leave		Approved leave for which the employee receives salary payments and eligible allowances including, but not limited to annual leave, LSL, personal leave and miscellaneous leave with pay.

OFFICIAL

Term	Acronym (if applicable)	Definition
Parental leave		Parental leave is a general term which covers a range of paid and unpaid leave entitlements relating to the birth or permanent placement of a child. Parental leave includes maternity leave, adoption/foster leave and supporting partner leave.
Partner		Means a spouse or a de facto partner of an employee.
Part-time employee		Means an employee who works less than a standard working week of 37.5 hours per week (or 75 hours per fortnight), or average thereof.
Posting		Means a movement undertaken by a Border Force Officer for a fixed period (usually three years).
Prior service		Service with another APS agency or any other agency specified in the LSL Act which will be recognised for credit and accrual purposes in the Department.
Purchased leave period		The period over which salary is deducted to recover the salary for the approved total amount of purchased leave. This period cannot exceed 12 months. The purchased leave period commences for 12 months from the nominated purchase date.
Secretary		The appointed agency head of the Department.
Spouse		A person who is legally married to or united with the employee under Federal or State law (irrespective of gender).
Term transfer		Means a movement undertaken by an employee for a fixed period (usually 12 months or more) in another location from where the employee resides.
To count as service	TCAS	<p>A period of leave that counts as service for the purpose of leave accrual.</p> <p>Unless otherwise provided for in legislation or specified in the WD:</p> <ul style="list-style-type: none"> • all paid leave counts as service • unpaid leave does not count as service unless specified by legislation or determined by the Secretary.
Unauthorised absence		<p>An unauthorised absence is not a form of leave. It is an absence from the workplace that is not supported by an appropriate leave application/approval.</p> <ul style="list-style-type: none"> • An employee will be considered to be on an unauthorised absence when they are absent from the workplace, and have not notified and/or obtained approval from their manager, including failure to submit the appropriate leave applications in easySAP on return from unplanned leave. • All pay and entitlements under the WD cease to apply during an unauthorised absence. The absence will not count for service for any purpose.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
Unpaid leave		<p>Approved leave for which the employee does not receive salary payments and eligible allowances including, but not limited to unpaid personal leave, unpaid maternity or parental leave, ceremonial leave and miscellaneous leave without pay.</p> <ul style="list-style-type: none">• Generally, unpaid leave does not count as service for any purpose.
Working day		<ul style="list-style-type: none">• A day that an employee is rostered and expected to perform duty.• For employees who are full-time flex employees or work standard hours, working days are Monday to Friday.• For employees who have flexible working arrangements (full-time or part-time), working days are those agreed in the flexible working arrangement• For shift employees or sea-going marine employees, working days are the days employees are rostered for duty.

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Department of Home Affairs Workplace Determination 2019	Part 4 - Leave	Provides general provisions for various leave types, including approval and payment.	Yes	All HR delegations.
<i>Long Service Leave (Commonwealth Employees) Act 1976</i>	Sections 12 - 24	Determine eligibility, grant leave, authorise payments.	Yes	All HR delegations
<i>Maternity Leave (Commonwealth Employees) Act 1973</i>	Sections 6 - 7	Determine eligibility, grant leave, authorise payments.	Yes	All HR delegations
<i>Fair Work Act 2009</i>	Part 2-2 - The National Employment Standards – Divisions 5-9	Provides entitlements and eligibility to various types of leave.	No	-

1.2. Controls and Assurance

Related Policy	Leave - Policy Statement (HR-2146) Studies Assistance - Policy Statement (HR-2178)
Procedures / Supporting Materials	Working Hours – Procedural Instruction (HR-2191) Unplanned Leave – Procedural Instruction (HR-4751) Parental Leave – Procedural Instruction (HR-6610) Managing long term employee absences - Procedural Instruction (HR-1806) Allowances – Procedural Instruction (HR-2108)
Training/Certification or Accreditation	Nil
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this PI)	Support Connect Portal
Escalation arrangements	Queries which require escalation will be forwarded through the Support Connect Portal to the relevant People and Culture Division work area
Recordkeeping (e.g. system based facilities to record decisions)	Content Manager MyHR

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Program or Framework (i.e. overarching Policy Framework or Business Program)	Workforce Management and Conditions
Job Vocational Framework Role	This PI applies to all job roles in the Department which includes the ABF.

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

Attachment C – Consultation

1.1 Internal consultation

1.1.1 The following internal stakeholders were consulted in the development of this PI:

- People Strategy and Culture Branch, People and Culture Division
- People Services Branch, People and Culture Division
- Payroll Services, People and Culture Division
- Legal Group
- all Department of Home Affairs employees including Australian Border Force.

1.2 External consultation

1.2.1 The following external stakeholders were consulted in the development of this PI:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).

Attachment D – Planned leave

Summary of entitlements and conditions

Note: This attachment must be read in conjunction with the details provided in the PI on the relevant leave types

Leave Type	Entitlement	Conditions/Restrictions
Annual leave	<p>Full-time employees will accrue 20 days (or 150 hours) of paid annual leave for each completed year of service.</p> <p>Part-time employees will accrue annual leave on a pro-rata basis.</p> <p>Additional annual leave, up to five days, is available to shift employees who meet the criteria for additional annual leave.</p> <p>Additional annual leave, up to seven days (the number of days depends on the remote location), is available to employees in eligible remote localities.</p>	<p>Annual leave counts as service for all purposes.</p> <p>Leave accrues daily and is credited monthly.</p> <p>Leave can be taken at full pay and half pay, subject to operational requirements and the approval of the employee's manager.</p> <p>Any unused annual leave accumulates.</p> <p>Employees who have an annual leave credit in excess of two years accrual (or 300 hours for full-time employees) may be directed to take an amount of annual leave that is up to one quarter of their annual leave credit at the time the direction is given.</p>
Ceremonial leave	<p>Up to 10 days of unpaid leave over a two year period.</p> <p>Ceremonial leave does not count as service for any purpose.</p>	<p>This leave is provided to enable employees who are required by Aboriginal tradition or Torres Strait Island custom to attend traditional ceremonies, including the death of a family or household member.</p> <p>Employees requiring leave for other religious and/or cultural events may access up to 10 days unpaid miscellaneous leave over a two year period.</p>
Defence reserve leave	<p>Up to 20 days of paid leave during each financial year for the purpose of fulfilling service in the ADF Reserve including training and operational duty as required.</p> <p>Up to an additional 10 days of paid leave may be granted during the first year of ADF Reserve service to complete induction requirements.</p> <p>Taking into account operational requirements, the Secretary may grant additional leave for Defence service, either paid or unpaid.</p>	<p>Defence Reserve leave, will count as service for all purposes, with the exception of unpaid leave to undertake CFTS. Unpaid leave for the purpose of CFTS counts for all purposes except annual leave accrual.</p> <p>With the exception of the additional 10 days in the first year of service, leave can be accumulated and taken over a two year period.</p> <p>Defence Reserve leave is not available to employees who are undertaking work for the ADF through a Fixed Period of Service agreement.</p> <p>The Department will not require Defence Reservists to pay their tax-free ADF Reserve salary to the Department in any circumstances.</p>

OFFICIAL

Leave Type	Entitlement	Conditions/Restrictions
Jury service leave	<p>The time an employee is required by the court to attend a jury selection process and perform jury service.</p> <p>Reasonable travelling time to and from the court, generally considered to be up to one hour each way.</p> <p>A reasonable rest period after completing jury service, taking into account the length of time the employee was required for jury duty, the nature of the proceedings and the employee's personal circumstances.</p> <p>Employees will be paid by the Department for any period of jury service on days they would normally work.</p>	<p>Employees will be required to use their own leave or flex for any additional time they wish to take once they are no longer required by the court i.e. outside the jury selection process or performance of jury service.</p> <p>Any payments received by employees from the court for undertaking jury service must be paid to the Department.</p> <p>Any payment received for jury service on a rostered day off or for a day they would not normally be paid by the Department can be retained by the employee.</p> <p>Other payments or reimbursement from the court for costs incurred for car parking, meals or travel can also be retained by the employee.</p>
LSL	<p>LSL entitlements are provided in accordance with the LSL Act.</p> <p>After 10 years of service employees will be entitled to three calendar months of paid leave.</p> <p>For each subsequent year of completed service employees are entitled to an additional nine calendar days per year.</p> <p>A part-time working hours arrangement does not reduce the accrual rate of LSL but does affect the salary received during an absence on LSL.</p>	<p>LSL counts as service for all purposes.</p> <p>Leave may be granted at either full or half pay.</p> <p>The minimum period that may be granted is seven consecutive calendar days at full pay or 14 consecutive calendar days at half pay.</p> <p>LSL must be taken in a continuous period and cannot be broken by weekends, rostered days off, public holidays, annual leave or purchased leave.</p>
Miscellaneous leave	<p>Can be paid or unpaid leave.</p> <p>Paid leave will count for service for all purposes.</p> <p>Unpaid leave will not count for service unless otherwise specified in the WD, provided for in legislation, or agreed by the delegate.</p>	<p>Leave is discretionary and may be granted in circumstances where the delegate considers the leave to be in the interests of the Commonwealth or where the employee is not otherwise entitled to leave under the WD.</p> <p>A public holiday that falls during a period of unpaid leave will not attract salary payment.</p>
NAIDOC leave	<p>One day of paid leave each year to enable participation in activities related to NAIDOC Week.</p>	<p>NAIDOC leave counts as service for all purposes.</p> <p>Leave may be taken as either a full day absence or several short absences to the equivalent of one day across the week.</p>
Purchased leave	<p>Between one and eight weeks per year.</p> <p>Purchased leave counts as service for all purposes.</p>	<p>Salary deductions are spread over a maximum period of 12 months.</p> <p>Employees have 12 months to use the purchased leave.</p> <p>Any additional leave, up to the eight week period, can only be purchased and used within the original 12 month period.</p> <p>Employees with excess annual leave credits may apply for purchased leave if there is a valid reason for the use of the leave.</p>

OFFICIAL

Leave Type	Entitlement	Conditions/Restrictions
Sabbatical leave	<p>A flexible arrangement consisting of a four year continuous work period followed by a one year period of leave.</p> <p>The first four years (continuous work period) count as service for all purposes, and the fifth year (the one year period of leave) does not count as service for any purpose.</p>	<p>Employees are required to have two years continuous employment with the Department to be eligible to access the sabbatical leave scheme.</p> <p>Salary deductions are spread over four years at a rate of 20 per cent to fund the fifth year of leave at a rate of 80 per cent.</p>

Released by Department of Home Affairs
under the Freedom of Information Act 1982



Unplanned leave

Procedural Instruction

Document ID (PPN)	HR-4751
TRIM record number	ADD2023/6334361
BCS Function	Human Resources Management
Document owner	Assistant Secretary Workplace Relations and Enterprise Agreement
Approval date	13 April, 2022
Document Contact	Support Connect Portal

Table of Contents

1. Purpose	4
2. Scope	4
3. Procedural Instruction	5
Part 1 General provisions applying to unplanned absences	5
3.1. Notifying an absence	5
Reporting a workplace incident	6
Border Force Officers Change of Health Circumstances	6
Absence without notification	6
3.2. Recording unplanned absences	6
Employee return to work	8
Recording part-day absences	8
3.3. Short-term absences (less than five consecutive working days)	9
3.4. Long term absences (five consecutive working days or more)	10
Part 2 Types of unplanned leave	11
3.5. Compassionate/bereavement leave	11
3.6. Ceremonial leave	12
3.7. Emergency service volunteer leave	13
Eligibility for emergency service volunteer leave	14
Absence entitlement	14
Additional leave	14
3.8. Emergency leave	15
Entitlement	15
Applying for emergency leave	16
3.9. Family and domestic violence leave	16
Eligibility for FDVL	16
Entitlement	17
Payment for paid family and domestic violence leave	17
Requests and approval	17
Additional leave for FDV	18
Privacy considerations	18
3.10. Personal leave	18
Use of personal leave	18
Personal leave for illness or injury	19
Personal leave entitlement and accrual	20
Supporting documentation for personal leave	22
Storing documentary evidence	23
Privacy obligations	23
Access to personal leave during other leave	24
Planned personal leave applications	24
Other arrangements where personal leave credits have been exhausted	24
Extended absence due to illness	24
Additional personal leave for personal injury or illness	25
Return to work after illness or injury	26
Personal leave for caring purposes	27
Long term caring responsibilities	27
Unpaid personal leave for caring purposes	28

OFFICIAL

Infectious disease contact	28
Invalidity and personal leave	28
3.11. Compensation leave/payments and insurance payments	28
3.12. Insurance claims/payments	29
3.13. War service sick leave	29
Requesting war service sick leave	30
4 Accountabilities and Responsibilities	30
5 Version Control	33
Attachment A – Definitions	35
Attachment B – Assurance and Control Matrix	39
1.1 Powers and Obligations	39
1.2 Controls and Assurance	39
Attachment C – Consultation	41
1.1 Internal consultation	41
1.2 External consultation	41

Released by Department of Home Affairs
under the Freedom of Information Act 1982

1. Purpose

1.1. This Procedural Instruction (PI) outlines:

- employee and manager responsibilities for notifying and managing unplanned leave, and
- eligibility and provision of entitlements for:
 - compassionate/bereavement leave
 - ceremonial leave
 - emergency service volunteer leave
 - family and domestic violence leave
 - personal leave
 - compensation leave, and
 - war service sick leave.

2. Scope

2.1. This PI applies to all employees of the Department of Home Affairs (the Department), including the Australian Border Force (ABF), but excluding the Senior Executive Service (SES).

2.2. For further information and guidance about other leave types or absences from the workplace refer to:

- [Leave – Policy Statement \(HR-2146\)](#) for overarching general leave principles.
- [Planned leave – Procedural Instruction \(HR-4750\)](#) for information and guidance relating to planned leave types.
- [Working hours and arrangements – Policy Statement \(HR-2190\)](#) for overarching working hours and arrangements principles.
- [Working hours – Procedural Instruction \(HR-2191\)](#) for information and guidance relating to working hours, including but not limited to flex-time, Executive Level (EL) time off, time off in lieu and unauthorised absences.
- [Psychological Assessment and Support - Policy Statement \(HR-6603\)](#) - for information on the psychological assessment and support arrangements that exist for the management of psychological hazards and risks (or potential psychological and emotional impacts) associated with work undertaken within the Department.
- [Change of Health Circumstances - Policy Statement \(HR-6604\)](#) for overarching principles where staff must declare changes to their health and life circumstances to ensure they are able (or continue to be able) to meet the requirements of their roles and/or enable reasonable adjustments to be made by the Department.
- [Border Force Officer Change of Health Circumstances – Procedural Instruction \(HR-6595\)](#) for the requirement and process to report a change of health and/or certain life circumstances to ensure they are able (or continue to be able) to meet the requirements of their roles and/or enable reasonable adjustments to be made by the Department. It also instructs Border Force Officers (BFOs) on the Change of Health Circumstances (CHC) assessment and triage process.

3. Procedural Instruction

Part 1 General provisions applying to unplanned absences

3.1. Notifying an absence

3.1.1. Employees are responsible for advising their manager or nominated work area contact (for shift employees) when they will not be attending for duty, as soon as reasonably practicable. In most cases, it is expected that employees must do so no later than one hour after their usual or expected commencement time or as agreed with their manager.

Example

Brenda is a flex worker who usually commences duty at 08:00 hrs. Brenda is expected to notify her manager that she will not be attending for duty by 09:00 hrs, unless there were exceptional circumstances (e.g. illness or accident involving unexpected admission to hospital or an unexpected emergency that requires immediate attention and does not allow for the employee to notify their manager until a later time).

3.1.2. Employees are required to notify their manager or nominated work area contact (for shift employees) via phone call so that the employee can have a discussion about their absence and leave.

3.1.3. If the employee leaves a voicemail message, they must also leave a number to enable their manager or the nominated work area contact (for shift employees) to return their call.

3.1.4. If the employee sends a text message, the manager or the nominated work area contact (for shift employees) must call the employee back to discuss their absence and leave. **Note:** managers must provide prior agreement for a text message to be used when notifying of any absences.

3.1.5. On receiving notification from an employee that they will be absent from work, managers and/or nominated work area contacts (for shift employees) must confirm the following with the employee:

- how long the employee thinks they will be absent
- what type of leave the employee would like entered on their behalf
- whether they have enough paid leave to cover the absence
- if the employee does not have enough paid leave, confirmation of whether they want to use another leave type or whether the absence will be unpaid
 - if the employee has no available leave it **must** be entered as either unpaid leave or an unpaid unscheduled absence
- if there is any support that can be provided to the employee
- whether there are any work issues that the manager needs to be aware of while the employee is absent.

3.1.6. Once these details have been confirmed, the manager and/or nominated work area contact (for shift employees) must enter the leave in easySAP on behalf of the employee. Refer to section 3.2 - [Recording unplanned absences](#) below.

3.1.7. If the likely duration of absence is unknown, employees should contact their manager each day they are absent from work until they have advised their manager of their expected return to

work date, and provide supporting evidence where required (e.g. medical certificate).

Example

Brenda contacts her manager at 08:30 hrs to advise she will be absent from duty for that day and will be going to the doctor. That afternoon, she contacts her manager to advise that the doctor has provided her with a medical certificate stating she is unfit for duty for four days. Brenda emails the medical certificate to her manager. Brenda will not need to contact her manager again unless she will be absent beyond the date she is expected to return to work.

The manager should enter the leave as sick leave with medical certificate as soon as practicable following the phone call from Brenda. On Brenda's return to work, if requested, she must present the medical certificate to her manager. Brenda needs to check the personal leave entered into easySAP to ensure it correctly reflects her absence.

Reporting a workplace incident

- 3.1.8. Where an absence is a result of an illness or injury due to a workplace incident, the employee must submit a [Work Health and Safety Incident Report](#) through easySAP.
- 3.1.9. A workplace incident report must be submitted as soon as practicable after the incident has occurred. A manager can submit the incident report on the employee's behalf, where appropriate.
 - Refer to the [Work Health and Safety Incident Management and Reporting - Procedural Instruction \(HR-2186\)](#) for further information.

Border Force Officers Change of Health Circumstances

- 3.1.10. A Border Force Officer (BFO) is required to report a change of health circumstance (CHC) as soon as it is reasonably practicable after a change in physical or mental health, or a significant event or change in the person's life which has the potential to have an adverse impact on their mental health. Where a BFO has been absent from work, and a CHC occurs, they are required to report the CHC as soon as practicable, and immediately on their return to duty if they have not previously reported it.
 - Refer to the [Border Force Officer Change of Health Circumstances – Procedural Instruction \(HR-6595\)](#) for further information.

Absence without notification

- 3.1.11. If an employee does not notify their manager of their absence within a reasonable timeframe (generally no later than one hour after the employee's usual or scheduled commencement time), the manager should attempt to contact the employee to ensure their safety.
 - Refer to the [emergency contact information](#) on MyHR for further information and guidance.
- 3.1.12. Absences without the required notification may be considered an unauthorised absence and the employee may be placed on an unpaid unscheduled absence until the reason for the absence is established and the employee and the manager can discuss the appropriate leave arrangements.

3.2. Recording unplanned absences

- 3.2.1. Managers are responsible for entering the appropriate leave type in easySAP on behalf of employees, if they are unable to do it themselves, on the same day they are notified by the employee of their unplanned absence.

OFFICIAL

- 3.2.2. In shift work environments where roster clerks, or other appropriately delegated positions manage employee absences, the roster clerk is to arrange for the appropriate leave type to be entered. The manager or nominated work area contact is responsible for advising the roster clerk of the type of leave that applies to the employee's absence. Wherever possible, the manager or work area contact is to ask the employee to nominate what type of leave they wish to take at the time the employee notifies them of the absence.
- 3.2.3. Managers and nominated work contacts/roster clerks must confirm the employee's available leave balance prior to entering any leave on their behalf.
- 3.2.4. The following leave can be entered on behalf of employees for either full or part days and at full or half pay (where applicable):

Leave/absence category	Leave/Absence sub-type/Comments
Annual leave	N/A
Bereavement leave	Up to three days on each occasion
Compassionate leave	Up to two days on each occasion
Emergency service volunteer leave	Approval of up to four days paid leave for each occasion. Note: Additional paid emergency service volunteer leave will need to be approved by the EL2 delegate or above. Additional unpaid emergency service volunteer leave can also be approved.
Personal leave	Sick leave with medical certificate Sick leave without medical certificate Personal leave unpaid Carer's leave with pay Carer's leave without pay Note: Managers should only enter sick leave with medical certificate where the satisfactory documentary evidence has been sighted either as a hard copy or scanned electronically.
Purchased leave	N/A
Unscheduled absence unpaid (USAU)	Unpaid absence

- 3.2.5. If the supervisor of a BFO believes that the BFO may have experienced a change of health circumstance (CHC) that may affect their medical, fitness or psychological suitability for the role, the supervisor should discuss their concerns confidentially and respectfully with the BFO in the first instance.
- 3.2.6. Where it is apparent to the supervisor that circumstances have changed, the supervisor should, if appropriate, encourage the BFO to submit the ABF Change of Health Circumstances Questionnaire (CHCQ) themselves.
- 3.2.7. If a BFO refuses to submit their own CHCQ or consistently fails to submit a CHCQ despite follow-up conversations, the supervisor must submit this information through a CHCQ for Supervisors.

OFFICIAL

Process for entering leave on behalf of an employee through easySAP

- 3.2.8. Managers should follow these steps to enter leave on behalf of an employee:
- Select Managers > Team View > Select drop down arrow next to relevant person > Time management on behalf of employee > Select leave required.

Employee return to work

- 3.2.9. On return to work, employees are responsible for ensuring the leave entered in easySAP reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.2.10. If no leave has been entered, the employee must request appropriate leave to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line with the recovery of overpayments provisions under the [Department of Home Affairs Workplace Determination 2019 \(WD\)](#) and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).
- 3.2.11. Where the employee has a medical certificate to support personal leave, it should be sighted by their manager and the personal leave without certificate entry amended.
- 3.2.12. If the employee has any concerns, they should be discussed with the manager. The leave may be amended with the manager's approval.
- 3.2.13. If a USAU has been entered by the manager for the employee, after confirming the appropriate leave to cover the absence, the employee must delete the USAU and enter the relevant leave for approval. Employees must replace unscheduled absences in easySAP with the appropriate leave type on their return to work. Where USAU is replaced with paid leave, any back payment will be included in the employee's next pay.
- 3.2.14. An unscheduled absence must be identified as an unauthorised absence if the absence is not acquitted by the employee after 30 days.
- 3.2.15. Where a BFO has been absent from work, and a CHC occurs, they must report the CHC as soon as practicable, and immediately on their return to duty if they have not previously reported it.

Recording part-day absences

Flex employees

- 3.2.16. Where an employee is absent for part of the working day, they can either use flex (subject to manager's approval) or submit a part day leave request to cover the absence. Any hours worked for the remaining period should be accurately reflected on the employee's flex sheet.
- 3.2.17. In most cases, where an employee requests a part-day absence which combines approved leave and attendance hours, the total hours for the day will equal a standard working day (i.e. 7.5 hours for a full-time employee, or the agreed hours for the relevant day for an employee with a variable working hours arrangement).

Example 1

Penny is a full-time flex employee. She commences work at 8:00 hrs, but by 12:00 hrs she is not feeling well and advises her manager that she needs to go home. Penny finalises some work prior to leaving at 12:30 hrs. To cover her part day absence Penny has two options:

- If Penny has sufficient flex credit, she could discuss with her manager taking the remainder of the working day using her flex credits. Her absence would be recorded by checking the flex leave box on her flex sheet, which would reflect that she finished work at 12:30 hrs. The part day absence would be covered by a deduction of three hours from her flex balance
- Alternatively, Penny can enter a part-day absence in easySAP, using personal leave to cover the absence. On her return to work the next day, Penny enters a personal leave application from 13:30 hrs to 16:30 hrs. Penny's total hours for the day add up to 7.5 hours (4.5 hours work and 3 hours personal leave in the afternoon).

- 3.2.18. In some cases, however, where there is a part day absence and a full day of work undertaken, the total hours for the day may not equal a standard working day (refer to Example 2 below) and will result in flex being accrued. It is not expected that this will be a regular occurrence, and employees should discuss their working hours with their manager when this is likely to occur. The manager must agree with the proposed working hours in advance.

Example 2

Bob is a full-time flex employee. He has a medical appointment from 08:30 hrs to 10:30 hrs and his manager has agreed to this absence in advance. Bob comes into work at 10:30 hrs and works until 18:00 hrs, because he has sufficient work to justify working until then.

- Bob records his day as follows:
 - personal leave in easySAP (2 hours)
 - attendance hours recorded on his flex sheet from 10:30 hrs to 12.30 hrs (2 hours) and from 13:00 hrs to 18:00 hrs (5 hours).
- Bob's attendance for the day is 9 hours, therefore accruing 1.5 hrs of flex.

Example 3

Regina is a full-time flex employee. She commences duty at 09:30 hrs, but after her one hour lunch break she becomes unwell and goes home at 14:00 hrs. Regina enters personal leave to cover the absence from 14:00 hrs to 17:00 hrs. Regina's total hours for the day are as follows:

- attendance hours recorded on the flex sheet of 09:30 hrs to 12:00 hours and 13:00 hrs to 14:00 hrs (3.5 hrs)
- personal leave in easySAP (3 hrs).

The total hours for the day is 6.5 hrs.

Employees on standard hours and shift employees

- 3.2.19. Appropriate leave must be entered to reflect any part day absences based on the employee's scheduled work hours for the day.

3.3. Short-term absences (less than five consecutive working days)

- 3.3.1. If an employee has indicated that the absence will be for less than five consecutive working days, the manager should:

OFFICIAL

- check the employee's leave balance in easySAP via Managers>Attendance & Leave Mgmt>Leave Balances, to ensure they have sufficient leave to cover the expected absence
- ensure the employee obtains and provides the appropriate supporting evidence to cover the absence (where required)
 - supporting evidence is required where the absence for personal injury or illness or carer's leave is for three or more consecutive days
- enter the appropriate leave type as discussed with the employee in easySAP, or unpaid unscheduled absence if no leave is available, on behalf of the employee to prevent an overpayment (e.g. preventing an overpayment as a result of insufficient leave credits or overpayment of shift penalties).

- 3.3.2. If an employee has indicated that the absence is the result of an incident that has occurred at work, the manager must ensure that a [Work Health and Safety Incident Report](#) is entered in easySAP. Refer to [Reporting a workplace incident](#) for further information.
- 3.3.3. On return to work, employees are responsible for ensuring the leave entered reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.3.4. If no leave has been entered, the employee must request appropriate leave to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line with the recovery of overpayments provisions under the [WD](#) and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).
- 3.3.5. Where the employee has a medical certificate to support personal leave, it should be sighted by the manager and the leave entry amended.
- 3.3.6. If the employee has any concerns, they should be discussed with the manager. The leave may be amended with the manager's approval.
- 3.3.7. If a USAU has been entered for the employee, after confirming the appropriate leave to cover the absence, the USAU must be deleted and the relevant leave entered for approval.
- 3.3.8. If the employee has not notified the manager of their absence, the manager may consider entering an unauthorised absence. They must contact Support Connect through the [Support Connect Portal](#) if they have decided to enter an unauthorised absence.
- 3.3.9. In these circumstances, where a BFO has been absent from work, and a CHC occurs, they are required to report the CHC as soon as practicable, and immediately on their return to duty if they have not previously reported it.

3.4. Long term absences (five consecutive working days or more)

- 3.4.1. If an employee has indicated that the absence is likely to exceed five consecutive working days, the manager must:
- ensure the employee obtains and provides appropriate supporting documentation or medical evidence to support the absence;
 - maintain reasonable contact with the employee to determine whether they require support to return to the workplace:
 - reasonable contact may be every few days or once a week, for example, though will depend on the nature and length of the absence and the employee's work responsibilities in the workplace. The employee and manager should discuss suitable arrangements at the time of notification of the absence

OFFICIAL

- check the employee's leave balances in easySAP via Managers>Attendance & Leave Mgmt>Leave Balances, to ensure they have sufficient leave to cover the expected absence;
- enter the appropriate leave type in easySAP on behalf of the employee, or where appropriate, enter an unpaid unscheduled absence until appropriate leave arrangements can be determined;
- notify s22(1)(a)(ii) [@homeaffairs.gov.au](mailto: @homeaffairs.gov.au) who will make contact with the employee.

- 3.4.2. If an employee has indicated that the absence is the result of an incident that has occurred at work, the manager must ensure that a [Work Health and Safety Incident Report](#) is entered in easySAP. Refer to [Reporting a workplace incident](#) for further information.
- 3.4.3. On return to work, employees must ensure that the leave entered reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.4.4. If no leave has been entered, the employee must request appropriate leave to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line with the recovery of overpayments provisions under the [WD](#) and Overpayments and employee debt - Procedural Instruction (HR-6614).
- 3.4.5. Where the employee has provided [supporting documentation for personal leave](#) (e.g. a medical certificate), it should be sighted by the manager and the leave entry amended where required.
- 3.4.6. If the employee has any concerns with the leave entry, they should be discussed with the manager. The leave may be amended with the manager's approval.
- 3.4.7. If a USAU has been entered for the employee, after confirming the appropriate leave to cover the absence, the USAU must be deleted and the relevant leave entered for approval.
- 3.4.8. Where a BFO has been absent from work, and a CHC occurs, they are required to report the CHC as soon as practicable, and immediately on their return to duty if they have not previously reported it.

Part 2 Types of unplanned leave

3.5. Compassionate/bereavement leave

- 3.5.1. Employees (with the exception of casual employees) are entitled to:
- two days of paid compassionate leave for each occasion that a member of the employee's family or household contracts an illness or sustains an injury that poses a serious threat to his or her life, and
 - three days of paid bereavement leave for each occasion where a member of the employee's family or household passes away.
- 3.5.2. Employees (with the exception of casual employees) are eligible to receive three days paid bereavement leave where they experience (or their spouse or de facto partner experiences) miscarriage before 20 weeks gestation. Refer to the [Parental leave – Procedural Instruction \(HR-6610\)](#).
- 3.5.3. Casual employees are entitled to two days of unpaid compassionate/bereavement leave in the circumstances outlined in [3.5.1](#) and/or [3.5.2](#) above.

OFFICIAL

- 3.5.4. The Department acknowledges that there are family arrangements concerning informal or de facto parental roles which fall outside the standard definitions of family. Managers have discretion to approve compassionate/bereavement leave in such circumstances.
- 3.5.5. Compassionate and bereavement leave can be taken as:
- a single unbroken period, or
 - separate periods of one day during each occasion, not exceeding the total days allowable.
- 3.5.6. A manager may request documentation in support of an application for compassionate or bereavement leave. This may include, but is not limited to:
- medical certification to confirm a situation where an illness or injury poses a serious threat to the life of a member of the employee's family or household. This could be from a doctor or palliative care service
 - a death certificate
 - a funeral notice.
- 3.5.7. Requests for evidence to support the reason for the absence is solely at the discretion of the delegated manager.
- 3.5.8. Employees will be required to use other leave provisions under the [WD](#) (such as annual, purchased, long service leave, and/or personal leave where appropriate) to extend absences beyond their entitlement.
- 3.5.9. Employees may not access compassionate or bereavement leave for pets. In these circumstances, employees should request an alternative appropriate leave type such as flex leave, EL time off or annual leave.
- 3.5.10. Employees on annual leave and long service leave may apply for compassionate or bereavement leave. These requests must be supported by reasonable evidence.
- 3.5.11. Annual leave can be re-credited to the extent of the period of compassionate or bereavement leave. Employees in these circumstances must send requests for re-credit through the [Support Connect Portal](#) with manager's approval stating that reasonable evidence has been sighted.
- 3.5.12. An employee may request that LSL is substituted and replaced with compassionate or bereavement leave. Requests for substitution in these circumstances should be sent through the [Support Connect Portal](#) with manager approval stating that reasonable evidence has been sighted.
- 3.5.13. Where circumstances prevent the employee from entering the leave prior to commencing the leave, managers must enter the leave in easySAP on their behalf. Refer to [Recording unplanned absences](#) for further information.
- 3.5.14. On return to work, employees are responsible for ensuring the leave entered in easySAP reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.5.15. Managers can approve requests for compassionate and bereavement leave.

3.6. Ceremonial leave

- 3.6.1. Ceremonial leave is provided to enable employees who are required by Aboriginal tradition or Torres Strait Island custom to attend traditional ceremonies, including the death of a member of the family, household or community/group to which the employee belongs.
- 3.6.2. Depending on the circumstances, ceremonial leave may be unplanned if it relates to a death rather than a traditional ceremony.

OFFICIAL

- 3.6.3. Employees may access up to 10 days of unpaid ceremonial leave over a two year period to enable them to participate in ceremonial activities.
- 3.6.4. Ceremonial leave does not count as service for any purpose.
- 3.6.5. Alternatively, managers may approve the use of paid leave provisions such as flex, annual leave, or purchased leave, if these requests can be accommodated.
- 3.6.6. Where the leave is unplanned and alternative leave has not been approved, managers are responsible for entering the appropriate leave in easySAP on behalf of employees if they are unable to do it themselves, on the same day they are notified by the employee of their unplanned absence.
- 3.6.7. Where an appropriate leave type cannot be entered (e.g. the employee has insufficient leave credits or has not provided enough information to determine the appropriate paid leave), USAU **must** be entered in easySAP to avoid salary overpayments until appropriate leave arrangements can be discussed.
- 3.6.8. The [Planned Leave – Procedural Instruction \(HR-4750\)](#) provides further information about leave for other religious and cultural purposes.
- 3.6.9. On return to work, employees are responsible for ensuring the leave entered in easySAP reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.6.10. If no leave has been entered, the employee must request appropriate leave to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line with the recovery of overpayments provisions under the [WD](#) and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).
- 3.6.11. If the employee has any concerns, they should be discussed with their manager. The leave may be amended with the manager's approval.
- 3.6.12. If a USAU has been entered for the employee, after confirming the appropriate leave to cover the absence, the USAU must be deleted and the relevant leave entered for approval.
- 3.6.13. Once the employee has returned to work, they must enter the appropriate leave application in easySAP for approval by their manager, and acquit all unscheduled absences that were entered on their behalf.
- 3.6.14. Managers can approve requests for ceremonial leave.

3.7. Emergency service volunteer leave

- 3.7.1. Under the [WD](#), employees (excluding casuals) are entitled to up to four days paid leave, approved by the relevant delegate, for each occasion where an employee is required to participate in volunteer emergency service activity associated with:
- a State Emergency Service (SES)
 - firefighting services (e.g. a Rural Fire Service, Country Fire Authority)
 - search and rescue unit, or
 - other volunteer community service performing similar functions.
- 3.7.2. On 24 December 2019, the Prime Minister issued a [Direction under subsection 21\(1\) of the Public Service Act 1999 \(the Direction\)](#), granting paid leave to APS employees who are registered members of a recognised emergency service organisation and are deploying as part of an emergency service response. This Direction provides that APS employees are entitled to a minimum of 20 working days or 28 calendar days of leave per year.

OFFICIAL

3.7.3. Where an employee requires a period of greater than the four days of emergency service volunteer leave provided under the [WD](#), additional leave will be provided under the Direction up to a minimum of 20 working days or 28 calendar days per year.

3.7.4. Casual employees can access unpaid emergency service volunteer leave for the duration of the emergency service activity and to cover reasonable travel and rest periods.

Eligibility for emergency service volunteer leave

3.7.5. The employee must be a member of one of the recognised emergency service organisations and be able to provide satisfactory evidence that they were requested by the relevant organisation to:

- provide assistance in the emergency or natural disaster, and/or
- engage in an activity that involved dealing with an emergency or natural disaster.

3.7.6. Employees may also be provided with paid emergency service volunteer leave where an immediate response is required, provided:

- they or a member of their family or household advise their manager of the reason for the absence as soon as reasonably practicable, and
- supporting documentation is provided following the employee's return to work.

3.7.7. Upon notification, the manager is required to submit a request through the [Support Connect Portal](#) to request for the leave to be entered on the employee's behalf to ensure appropriate payment is made to the employee.

Absence entitlement

3.7.8. Employees are entitled to be absent from the workplace:

- while assisting at the emergency or disaster
- for reasonable travel time, and/or
- for a reasonable rest period after assisting with the emergency or disaster.

3.7.9. Employees required to undertake volunteer emergency activity should advise their manager of their absence as soon as practicable, including the expected period of their absence.

Additional leave

3.7.10. The delegate may approve additional paid or unpaid leave for an ongoing emergency service response, or other related activities such as regular training, reasonable travel, recovery time and ceremonial duties.

3.7.11. The delegation to approve additional paid leave for emergency service activities is held by all EL2s and above.

3.7.12. Unpaid leave for emergency service activity is provided through the miscellaneous leave without pay provisions. Refer to the [Planned Leave – Procedural Instruction \(HR-4750\)](#) for further information.

3.7.13. The table below outlines the circumstances of voluntary emergency service and the recommended leave to be approved:

OFFICIAL

Circumstances	Leave	Comments
Natural disaster or civil emergency exceeding four days or a large scale natural disaster which requires extended emergency management	Paid emergency service volunteer leave	Must be approved by EL2 or above
Travel as part of an extended emergency response	Paid emergency service volunteer leave	Must be approved by EL2 or above
Regular training for the emergency service organisation	Miscellaneous leave without pay or annual leave, purchased leave or flex	Approval in line with usual leave delegations
Ceremonial duties	Miscellaneous leave without pay or annual leave, purchased leave or flex	Approval in line with usual leave delegations
Non-members of emergency management bodies who wish to volunteer in a time of crisis	Miscellaneous leave without pay or annual leave, purchased leave or flex	Approval in line with usual leave delegations
To provide assistance to other jurisdictions e.g. overseas	Miscellaneous leave without pay or annual leave, purchased leave or flex	Approval in line with usual leave delegations
To provide assistance as part of an emergency management body but will receive payment from a third party	Miscellaneous leave without pay or annual leave, purchased leave or flex	Approval in line with usual leave delegations

3.8. Emergency leave

3.8.1. Emergency leave is miscellaneous leave with pay to count as service.

3.8.2. On and from 4 November 2022, employees will be eligible for emergency leave in situations where their home, property or contents have been destroyed or significantly damaged by a disaster in order to arrange repairs, clean up and/or make the property safe.

3.8.3. The employee's home is the primary residence lived in while attending their normal workplace. This does not include holiday homes, investment properties or the home of a person that does not reside with the employee.

Entitlement

3.8.4. Employees will be granted up to three days of miscellaneous leave with pay to count as service, including shift penalties, for each occasion, which can be taken in one continuous period, or in separate periods.

3.8.5. A disaster is an occurrence which requires significant response by emergency service organisations. This could be (but not limited to);

- fire
- flood

- storm
- earthquake
- cyclone

Applying for emergency leave

- 3.8.6. The employee should discuss the leave request with their manager.
- 3.8.7. Requests for miscellaneous leave with pay must be sent through the [Support Connect portal](#), with relevant supporting information (and/or documentation if available). The request will be assessed within the People and Culture Division.
- 3.8.8. If the delegate approves the request, employees will be advised and it will be forwarded to Support Connect, who will input the leave in easySAP on behalf of the employee.

3.9. Family and domestic violence leave

- 3.9.1. Family and domestic violence leave (FDVL) is paid leave provided for employees (including casuals) who are impacted by family and domestic violence (FDV).
- 3.9.2. FDVL is an entitlement under the National Employment Standards (NES) and delegates must approve requests in accordance with the provisions outlined below.
- 3.9.3. FDV is defined in the NES as “violent, threatening or other abusive behaviour by an employee’s close relative, member of an employee’s household, or a current or former intimate partner of the employee that:
- seeks to coerce or control the employee, and
 - causes them harm or fear”.
- 3.9.4. A close relative of the employee for FDV purposes, is defined under section 12 of the [Fair Work Act 2009](#) (FW Act) as:
- an employee’s spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, sibling, or
 - a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee, or a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Eligibility for FDVL

- 3.9.5. FDVL may be taken where:
- an employee is experiencing FDV
 - the employee must attend to matters relating to the impact of the FDV
 - it is impractical for the employee to manage matters relating to FDV outside their ordinary hours of duty.
- 3.9.6. While FDVL is for the use of the employee, there may be occasions where the FDV has a direct impact on a member of their family or household, for example, on occasions where the perpetrator is making threats to, or trying to coerce, other family members.
- 3.9.7. Examples of when FDVL can be used in these circumstances include (but are not limited to):
- making arrangements to ensure an employee’s safety and/or the safety of a family or household member, including moving into emergency accommodation and/or seeking safe accommodation
 - organising alternative care and/or educational arrangements for children

OFFICIAL

- attending medical or counselling appointments, including absences for recovery periods as certified by a medical practitioner
- attending court hearings
- police appointments, and/or
- accessing legal advice.

Entitlement

- 3.9.8. Employees are entitled to 10 days of paid FDVL (to count as service) within a 12 month period.
- 3.9.9. The full entitlement to FDVL is available to all employees, including non-ongoing and casual employees.
- 3.9.10. The 10 days can be taken as consecutive days, single days or a part of a day.
- 3.9.11. FDVL is available in full at the start of each 12 month period, based on the employee's anniversary date of commencement with the APS. FDVL does not accrue.
- 3.9.12. For casual or non-ongoing employees, the anniversary date is based on the commencement date of their initial contract with the Department.
- 3.9.13. Employees may request additional paid FDVL if required; refer to section [Additional leave for FDV](#) for further information.

Payment for paid family and domestic violence leave

- 3.9.14. Employees (excluding casual employees) on FDVL will be paid as though they were at work.
- 3.9.15. Casual employees who request FDVL will be paid as though they were at work for the hours they were rostered and have agreed to work.

Requests and approval

- 3.9.16. Employees can request FDVL through easySAP - Leave > Leave Request > Other > (Family & Domestic Violence (up to 10d). The request will workflow to the delegate (i.e. EL1 and above) for approval.
- 3.9.17. The delegate has discretion to request supporting documentation for FDVL. Where evidence may be required, forms of evidence that may be provided include, but is not limited to, a statutory declaration, a medical certificate, appointment attendance certificate, or a copy of a court listing. The document/s should be sighted by the manager and retained by the employee.
- 3.9.18. The Department acknowledges that employees affected by FDV may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be denied in the absence of supporting documentation.
- 3.9.19. Where the leave has not been entered and/or approved, managers are responsible for entering the appropriate leave in easySAP on behalf of employees on the day of absence, if they are unable to do it themselves, on the same day they are notified by the employee of their unplanned absence.
- 3.9.20. On return to work, employees are responsible for ensuring the leave entered reflects the discussion with their manager or nominated work area contact (for shift employees).
- 3.9.21. If no leave has been entered, the employee must request FDVL to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP.
- 3.9.22. If the employee has any concerns, they should be discussed with the employee's manager. The leave entered may be amended with the manager's approval. If the employee has used 10 days of FDVL within a 12 month period, they may request additional leave for FDV. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line

OFFICIAL

with the recovery of overpayments provisions under the [WD](#) and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).

- 3.9.23. Further information on FDVL and support can be found on the [Domestic and family violence assistance MyHR](#) page.

Additional leave for FDV

- 3.9.24. Additional paid FDV leave can be approved at the discretion of the delegate (EL2 and above) if an employee requires additional time away from work due to FDV matters.
- 3.9.25. Employees can request an additional FDVL within a 12 month period through easySAP - Leave > Leave Request > Other > (Family & Domestic Violence (Greater 10d)). The request will workflow to the delegate (i.e. EL2 and above) for approval.

Privacy considerations

- 3.9.26. Conversations between an employee and the employee's manager, and any supporting documentation the employee provides, must be kept private. An employee's personal circumstances must not be shared with any other party without their consent, except where disclosure is required or permitted under Australian law, such as where it is necessary to disclose personal information to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
- 3.9.27. Family and Domestic Violence leave will not be recorded on payslips. Only payment for ordinary hours of work and other payments for performing work (such as overtime and allowances) are to be shown.

3.10. Personal leave

Use of personal leave

- 3.10.1. Personal leave is provided for employees to use:
- because the employee is not fit for work due to a personal illness, or personal injury, affecting the employee
 - to provide care or support to a member of the employee's family, or household, who requires care or support because of:
 - a personal illness, or personal injury, affecting the member, or
 - an unexpected emergency affecting the family member.

Example

An unexpected emergency affecting a member of an employee's family or household includes but is not limited to:

- regular child care arrangements being unexpectedly cancelled (such as a child care closure due to an emergency, regular carer is ill or injured) and the employee is required to care for the child. *This does not include caring arrangements during school holidays (unless the child is ill or injured and requires care for this purpose)*
- an emergency incident or accident affecting a member of an employee's family or household where the employee is required to provide care, assistance or support
- a natural disaster affecting a member of an employee's family or household where the employee is required to provide assistance.

- 3.10.2. Personal leave cannot be used for:
- religious and cultural observations (refer to the [Planned Leave – Procedural Instruction \(HR-4750\)](#)) for further information

OFFICIAL

- sporting events, including departmental sporting carnivals
- attendance at activities, proceedings, funerals and ceremonies, or
- any other purpose.

Examples:

Personal leave cannot be used for purposes including but not limited to:

- caring for an ill or injured pet or attending a veterinary appointment
- vehicle breakdown and/or servicing
- household emergency such as plumbing, electrical, telecommunications issues
- school holiday care
- moving house.

- 3.10.3. Other types of leave under the [WD](#) may be requested in the above circumstances, such as flex, EL time off, time off in lieu, annual, or purchased leave.
- 3.10.4. Personal leave can be taken for full or part day absences and can be taken at half pay.
- 3.10.5. Employees requesting half pay personal leave should discuss this with their manager to ensure leave is entered in the system and approved correctly to avoid overpayments.
- 3.10.6. Electing to take half pay means an employee's salary and eligible allowances will be reduced by half over the period of approved leave.
- 3.10.7. Employees may not request unpaid personal leave while they still have paid personal leave credits available.

Personal leave for illness or injury

- 3.10.8. Personal leave for illness or injury is provided to employees to fully recover when unwell or injured.
- 3.10.9. Employees are not encouraged to remain at or return to work when they are unwell.
- 3.10.10. The Department and its employees have a duty of care to ensure that an employee's health does not present a risk to themselves or others in the workplace.
- 3.10.11. Employees who attend for duty and who are obviously unwell should consider whether they could potentially cause others to become unwell. In these cases, they should remove themselves from the workplace.
- 3.10.12. Where an employee is obviously unwell and the employee's manager has concerns about the health and wellbeing of other employees, they should take appropriate action, for example, advising the employee to go home.
- 3.10.13. Conversely, employees are expected to attend for duty when they are fit for duty.

Attendance at work while certified as unfit for duty

- 3.10.14. Employees with a medical certificate advising that they are unfit for work must not come to or remain at work or perform any duty.
- 3.10.15. Employees who return to work with a medical certificate which states they are unfit for duty must either seek written clearance to return to duty from their medical practitioner, or return home until the period of certified incapacity has concluded.
- 3.10.16. Managers must send employees home if they have been certified unfit for duty but have attended work, unless they have a written medical clearance that they can attend work and are fit for duty.

Medical appointments

OFFICIAL

- 3.10.17. Personal leave may be used (subject to manager approval) for appointments of a medical nature, including but not limited to GP, psychologist, dentist, optometrist, therapist, chiropractor, physiotherapist and specialist appointments.
- 3.10.18. If the employee does not choose to use personal leave or has insufficient paid personal leave credits, the employee may access other leave types such as flex or annual leave.
- 3.10.19. Where possible, employees should try to arrange for appointments to occur outside working hours, on rostered days off or at the beginning or end of the working day to minimise the impact on the operational requirements of the workplace.

Entering personal leave

- 3.10.20. Where an employee is unable to attend for duty on a working day due to personal illness or injury or for caring purposes, managers are responsible for entering the appropriate leave in easySAP on behalf of employees, if they are unable to do it themselves, on the same day they are notified by the employee of their unplanned absence.
- 3.10.21. Where an employee has insufficient personal leave credits, the manager should either:
- enter an alternative leave type based on their discussions with the employee, or
 - enter an unpaid unscheduled absence in easySAP.
- 3.10.22. Personal leave does not attract shift penalties; absences by shift employees must be entered as leave or an unpaid unscheduled absence on each day an absence is notified to managers to ensure there are no overpayments.
- Refer to [recording unplanned absences](#) for further information.
- 3.10.23. Once the employee has returned to work, they must check the leave entered on their behalf to ensure that it reflects their discussion with their manager.
- 3.10.24. If no leave has been entered, the employee must request appropriate leave to cover the absence immediately on return to work via Employees > Leave > Leave Request in easySAP. Late entry of leave may result in an overpayment. Where this occurs, it must be notified and recovered in line with the recovery of overpayments provisions under the [WD](#) and the [Overpayments and employee debt - Procedural Instruction \(HR-6614\)](#).
- 3.10.25. If the employee has any concerns, they should be discussed with their manager and the leave entry amended, if required.
- 3.10.26. If an unpaid unscheduled absence has been entered, this should be acquitted and an appropriate leave type entered by the employee.
- 3.10.27. Where the absence is for three days or more, the employee is required to provide relevant supporting documentation, in accordance with 4.68 and 4.69 of the [WD](#), so that the appropriate leave can be entered on their behalf. Refer to [Supporting documentation for personal leave](#) for further information.

Personal leave entitlement and accrual

- 3.10.28. Employees are entitled to the equivalent of 18 days paid personal leave per year for each year of completed service.
- 3.10.29. Personal leave accrues daily and is credited monthly, following each completed month of service. Personal leave is credited on the anniversary date of the employee's:
- commencement date with the Department, or
 - accrual date at a previous APS agency (where personal leave credits have been transferred to the Department in accordance with the portability of leave provisions under the [WD](#)).

Example 1

A non-ongoing employee commences with the Department on 5 April. Their personal leave accrues daily from the date of commencement and is credited on the 5th of every month. The first credit occurs on 5 May, following one month of completed service.

Example 2

An employee transfers to the Department from another APS agency where their personal leave credits accrued on the 1st day of each month. The employee will continue to accrue their personal leave credits on the 1st day of each month.

3.10.30. An employee's accrual date is deferred when an employee takes leave without pay that does not count as service. The accrual date is deferred by the total number of unpaid leave days taken.

Example: If an employee's accrual date is the 1st day of every month and they take five days unpaid leave not to count as service, the accrual date will be deferred by the total period of unpaid leave taken. In this example the employee's accrual date would change from the 1st day of each month to the 6th day of each month.

3.10.31. Unused personal leave accumulates, but cannot be cashed out and is not paid out on cessation of employment.

3.10.32. Casual employees are not eligible for paid personal leave.

Rate of accrual

3.10.33. The rate at which personal leave accrues depends on the employee's employment type:

Employment	Personal leave credit
Full-time employees	Accrues daily and is credited monthly, as follows: <ul style="list-style-type: none"> 11.25 hours (equal to 11 hours and 15 minutes or 1.5 days) after one month of completed service and each month of completed service thereafter.
Part-time employees	Accrues daily and is credited monthly: <ul style="list-style-type: none"> for each month of completed service the same as full-time employees, but is calculated on a pro-rata basis according to the proportion of standard weekly hours worked.

3.10.34. A non-ongoing employee with accrued personal leave who is engaged as an ongoing employee may ask for the leave to be retained as long as there is no break in service. The request is to be sent through the [Support Connect portal](#).

Transfer from other agencies

3.10.35. Employees who transfer to the Department from another APS agency on promotion or transfer will have personal leave credits transferred in accordance with the [WD](#), provided there is no break in continuity of service i.e. continuity of service will not be broken where the employee ceases employment with the previous agency and commences with the Department the next working day.

3.10.36. The [WD](#) does not provide for the transfer of personal leave credits of employees who commence with the Department from non APS agencies e.g. Australian Federal Police, Australian Defence Force.

3.10.37. For employees commencing with the Department from other portfolio agencies or other entities covered by the [Public Governance, Performance and Accountability Act 2013](#), transfer of

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

personal leave credits may be considered via an Individual Flexibility Arrangement. Refer to the [Individual Flexibility Arrangements - Procedural Instruction \(HR-6609\)](#) for further information.

Engagement to the Department

- 3.10.38. Full-time ongoing employees who are engaged by the Department are credited with 18 days personal leave on the commencement date of their employment with the Department. An equivalent pro-rata credit will apply where an employee is engaged as a part-time employee.
- 3.10.39. Personal leave is then accrued daily and is credited monthly for each completed month of service.

Supporting documentation for personal leave

- 3.10.40. Employees **must** provide satisfactory documentary evidence for absences of three or more consecutive days.
- 3.10.41. Satisfactory documentary evidence may include:
- a medical certificate from a [registered health practitioner](#)
 - a statutory declaration, where it is not reasonably practicable for a medical certificate to be obtained, or
 - other evidence which would satisfy a reasonable person that the leave was taken for a permissible reason.

Registered health practitioners

- 3.10.42. The following are registered health practitioners according to the Australian Health Practitioner Regulation Agency:
- medical practitioner
 - nurse
 - midwife
 - optometrist
 - osteopath
 - paramedicine
 - dental practitioner (including dentists, dental hygienists, dental prosthetists and dental therapists)
 - chiropractor
 - optometrist
 - pharmacist
 - physiotherapist
 - psychologist
 - podiatrist
 - Aboriginal and Torres Strait Islander health practitioner
 - Chinese medicine practitioner (including acupuncturists, Chinese herbal medicine practitioners and Chinese herbal dispensers)
 - medical radiation practitioner (including diagnostic radiographers, radiation therapists and nuclear medicine technologists)
 - occupational therapist.
- 3.10.43. If it is not reasonably practicable for an employee to provide a certificate from a registered medical practitioner, an employee may complete a statutory declaration. Where a medical certificate places restrictions on employees in the performance of their duties, managers must accommodate these restrictions in consultation with the [Staff Health & Fitness](#) team.

Statutory declarations

- 3.10.44. A statutory declaration provided as documentary evidence in relation to illness or injury must:
- either
 - include a statement to the effect that the employee was unfit for work during the specified period because of a personal illness or injury, or
 - include a statement to the effect that the employee required leave to provide care or support to a member of their family or household because of illness or injury.
- 3.10.45. Where the reason for the leave was an unexpected emergency affecting a member of the employee's family or household, the statutory declaration must include:
- a statement to the effect that the employee required leave to provide care or support to a member of their family or household because of an unexpected emergency, and
 - the reason for the unexpected emergency.
- 3.10.46. Where a manager has a reasonable basis for not being satisfied with a statutory declaration in support of an application for personal leave, they may request additional or alternative evidence, including a medical certificate.
- A request for additional or alternative evidence can be made where the information requested in 3.10.44 and 3.10.45 above has not been included in the statutory declaration.
- 3.10.47. Declarations must be made in accordance with the [Statutory Declarations Act 1959](#) (the Statutory Declarations Act). Wilfully making a false statement in a statutory declaration:
- is an offence under the Statutory Declarations Act and may result in the person being issued a penalty of a fine and/or imprisonment, and
 - may be a breach of the APS Code of Conduct and result in a referral to Integrity and Professional Standards.

Storing documentary evidence

- 3.10.48. Where the employee has provided medical evidence to support the absence, the manager must sight the certificate/evidence.
- 3.10.49. The employee is required to retain the certificate/evidence in line with the Department's record-keeping policy by either:
- creating a personal TRIM file for storing their medical certificates, or
 - attaching a copy of the certificate to their flex sheet after their manager has sighted the document.
- 3.10.50. Employees may be required to produce this documentation as part of a departmental or Australian National Audit Office audit process.
- 3.10.51. Employees are required to retain medical certificates or other documentary evidence for seven years in accordance with the *Archives Act 1983* and Administrative Functions Disposal Authority (Class No 1728 – Records documenting all other leave (with or without pay)).
- 3.10.52. The Department will store employees' medical evidence securely, in accordance with Australian Privacy Principle 1 of the *Privacy Act 1988*.

Privacy obligations

- 3.10.53. Medical certificates or other documentary evidence must not be shared with any other party without the employee's consent, unless the use or disclosure is in accordance with [Australian Privacy Principle 6](#).

Access to personal leave during other leave

- 3.10.54. Employees may request personal leave during periods of annual leave, LSL, purchased leave and unpaid maternity leave. These requests must be supported with appropriate documentary evidence in accordance with this PI and the [WD](#). The appropriate leave type must also be entered in easySAP.
- 3.10.55. Employees on paid maternity leave are not eligible to use personal leave in the first 14 weeks at full pay or up to 28 weeks where payment has been spread.
- 3.10.56. Employees may not access paid personal leave while on paid or unpaid adoption/foster or supporting partner leave (refer to clause 4.6 of the [WD](#)).

Planned personal leave applications

- 3.10.57. Employees who need to take long term or short term planned personal leave (for example, for surgery and recovery) should advise their manager and provide relevant supporting documentation (in accordance with this PI and the [WD](#)) as soon as practicable. Where possible, the employee should enter planned personal leave into easySAP for approval prior to the leave commencing.
- 3.10.58. Where the employee cannot submit the leave application prior to commencing the leave, the process relating to entering unplanned absences will apply i.e. the manager will be required to enter the leave on behalf of the employee.
- 3.10.59. Employees who do not:
 - advise their manager of the requirement to take personal leave,
 - do not provide relevant supporting documentation (where required), or
 - do not provide approval for their manager to enter the leave on their behalfmay be placed on an [unauthorised absence](#). Unauthorised absences are without pay and do not count as service for any purpose.
- 3.10.60. Refer to [Section 3.4 - Long term absences](#) for further information.

Other arrangements where personal leave credits have been exhausted

- 3.10.61. Employees who are absent due to an illness or injury and have exhausted their personal leave credits may, choose to use annual leave, LSL or purchased leave.
- 3.10.62. Employees may access other paid arrangements, such as flex or EL time off, subject to available credits and manager's approval.
- 3.10.63. In exceptional circumstances, delegates may approve access to other leave for long term illness or injury where the employee has available personal leave credits.
- 3.10.64. Where LSL is requested, applications must meet the minimum requirements for taking LSL:
 - seven calendar days at full pay, or
 - 14 calendar days at half pay.

Extended absence due to illness

- 3.10.65. Employees on an extended absence due to illness may be referred to a medical practitioner by a case manager in the Early Intervention team or the Rehabilitation and Compensation Management team for an assessment of their fitness for continued employment with the Department. Referrals will be made in writing and in accordance with section 11 of the [Public Service Regulations 2023](#) (PS Regulations).
- 3.10.66. The PS Regulations provide the following examples of absences that could be treated as extended absences:

OFFICIAL

- an absence from work of at least four continuous weeks, or
- a combined total of absences from work of at least four weeks, within a 13 week period, whether based on a single or multiple instances of illness or injury.

Additional personal leave for personal injury or illness

- 3.10.67. If an employee has exhausted all of their paid personal leave, they may apply for additional paid or unpaid personal leave for reasons of personal illness or injury.
- 3.10.68. Applications for additional personal leave are considered individually and assessed on the individual circumstances of each situation.
- 3.10.69. When considering requests for additional personal leave the delegate must take into account a range of factors including:
- the nature of the employee's illness or injury
 - the purpose of the leave, including whether it meets the definition of personal leave under the [WD](#).
- 3.10.70. All requests for additional unpaid or paid personal leave must be supported by appropriate documentary evidence. Refer to below section [Additional unpaid personal leave](#) or section [Additional paid personal leave](#) for more information.
- 3.10.71. The approval of additional personal leave may be subject to conditions determined by the delegate.

Additional unpaid personal leave

- 3.10.72. Requests for additional unpaid personal leave can be approved by EL1s and above.
- 3.10.73. Prior to approving requests for additional unpaid leave, managers should seek guidance from the following work areas to ensure the employee is receiving appropriate support from the Department:
- Staff Health and Fitness, People and Culture Division, who provide case management for staff with non-work related illness or injuries and provide early intervention advice and support
 - Workforce Capability, People and Culture Division, who provide guidance on workplace behaviour and performance.
- 3.10.74. Additional personal leave without pay for personal illness or injury counts as service for LSL and as contributory service for superannuation. It does not count as service for any other purpose.
- 3.10.75. Employees on personal leave without pay for personal illness or injury are not permitted to engage in outside employment. Refer to the [Outside employment and voluntary activities - Instruction and Guideline](#) for further information.

Additional paid personal leave

- 3.10.76. In some circumstances, it may be reasonable for additional personal leave to be provided as paid leave. The delegate for approval of additional paid personal leave is in People and Culture Division.
- 3.10.77. The delegate must make decisions which are appropriate and defensible in relation to the spending of public monies. The provision of additional paid leave is not an entitlement, it is at the discretion of the delegate. The delegate must also take into account their responsibilities in making a fair and reasonable decision in the circumstances.
- 3.10.78. Requests for additional paid personal leave must be supported by the employee's EL2 manager or above.

OFFICIAL

- 3.10.79. In determining whether additional personal leave should be provided as paid leave, the delegate must consider factors including (but not limited to):
- the nature of the illness or injury
 - the employee's individual circumstances and the reasons they have requested additional personal leave to be paid, including financial hardship
 - whether the employee has previously been granted additional paid personal leave
 - whether the employee has any other paid leave credits available (e.g. annual leave, LSL, purchased leave)
 - other financial support mechanisms the employee is accessing, or is able to access
 - any consequences to the employee if they are not granted additional paid personal leave e.g. undue personal hardship.
- 3.10.80. Any request for a grant of additional paid personal leave should address these factors where possible, and any other factors the employee believes are relevant.
- 3.10.81. Subject to whether the delegate approves the absence as additional paid personal leave, the delegate will generally approve up to a maximum of 10 days paid leave. It is open to the delegate to approve the absence as a combination of paid and unpaid leave.
- 3.10.82. Requests for additional paid personal leave, including EL2 or above endorsement, should be submitted through the [Support Connect Portal](#), for consideration by the People and Culture Division delegate.
- 3.10.83. If a request for additional paid personal leave is not approved by the delegate, the reasons for the decision will be provided by the delegate, in writing, to the employee.

Return to work after illness or injury

Non-compensable illness or injury

- 3.10.84. The [Staff Health and Fitness](#) team in Health Services Division can assist employees who are returning to work after a significant or long term injury or illness which is non-compensable.
- 3.10.85. A non-compensable illness or injury is one for which employees do not have an accepted claim for workers' compensation.
- 3.10.86. Assistance may include provision of reasonable adjustments to the employee's workplace and/or a Graduated Return to Work (GRTW).

Employees:	With:	Then:
Returning to work after an illness or injury	<ul style="list-style-type: none">• a medical practitioner's certificate stating they are unfit for full-time duty, and• a non-compensable illness or injury	<ul style="list-style-type: none">• employees will be paid for the hours they work, and• will be required to use their own leave credits for the remainder of the hours not worked.

- 3.10.87. Where an employee is on a GRTW supported by a medical certificate stating fitness for duty for a nominated number of hours per day, the employee's access to flex-time arrangements and overtime will be suspended until such time as a medical practitioner certifies they are fit to return to their normal working hours (full-time, part-time or shift work / marine roster).
- 3.10.88. A non-compensable illness or injury is one for which employees do not have an accepted claim for workers' compensation.
- 3.10.89. Further information is available on [MyHR – Rehabilitation and recovery at work](#) or contact the [Staff Health and Fitness](#) team.

Compensable illness or injury

- 3.10.90. Employees returning to work after a compensable injury should manage their return with their manager and Rehabilitation Case Manager and in line with their rehabilitation program.
- 3.10.91. Refer to [section 3.11 - Compensation leave/payments and insurance payments](#) for further information.

Personal leave for caring purposes

- 3.10.92. Personal leave for caring purposes is provided to employees where they are required to provide care and support for a member of their family or household who is ill or injured, or requires support due to an unexpected emergency situation affecting them.

Examples of caring purposes

- An employee's child is sick and is unable to go to child care/school for the day.
- An employee is required to accompany a member of their family or household to a medical appointment due to personal illness or personal injury.
- Regular child care arrangements have been cancelled, for example, an unexpected school/child care closure due to an emergency, and the employee is required to care for their child as no other caring arrangement can be sourced.
Please note: This does not include caring arrangements during school holiday periods (unless the child is ill or injured. In this circumstance [supporting evidence](#) requirements apply).
- An emergency incident or accident affecting a member of an employee's family or household where the employee is required to provide care, assistance or support.
- A natural disaster affecting a member of an employee's family or household where the employee is required to provide assistance.

- 3.10.93. Personal leave for caring purposes for employees who are required to provide care and support to a person who is not:
 - a member of their family, or
 - does not have a relationship through the customs and traditions of the employee's community, or
 - does not ordinarily reside with the employee

should only be approved in cases where the employee is identified as the recognised carer of the person under the [Carer's Recognition Act 2010](#). For example, carer's leave should not be granted to an employee to look after a friend with an illness or injury where the employee is not that person's recognised carer.

- 3.10.94. Using personal leave for caring purposes is not appropriate for employees to care for children during school holidays or scheduled pupil free days. Employees are required to use other planned leave (e.g. annual leave or purchased leave) in these circumstances.
- 3.10.95. Where the caring responsibilities are for an adult, the supporting medical documentation should specify that care is required.
- 3.10.96. For the purposes of personal leave for caring purposes, *family* or *household* does not include pets.

Long term caring responsibilities

- 3.10.97. Consistent with the provisions of the FW Act, employees with long term (i.e. over two weeks) or ongoing caring responsibilities may access personal leave to provide this care.
- 3.10.98. Employees in these situations should discuss the circumstances with their manager to ensure that appropriate arrangements can be made to manage operational requirements during the employee's absence.

OFFICIAL

- 3.10.99. Where an employee's personal leave credits have been exhausted, consideration should also be given to alternative arrangements to accommodate both the employee's caring responsibilities as well as the requirements of the work area, for example, flexible working arrangements and/or the use of other leave such as annual or purchased leave.
- 3.10.100. Longer term personal leave applications for caring responsibilities (i.e. over two weeks) must be supported by appropriate documentation from a medical practitioner.

Unpaid personal leave for caring purposes

- 3.10.101. If an employee has exhausted all of their paid personal leave credits, their manager can approve up to two days unpaid carer's leave for each occasion where:
- a member of their family or household requires care or support because of a personal illness or injury, affecting the family or household member, or
 - there is an unexpected emergency affecting the family or household member.

Infectious disease contact

- 3.10.102. If notified by a medical practitioner that an employee has had contact with a person suffering from a notifiable infectious disease and is unable to attend for duty, managers may approve the use of personal leave for the required period of absence.
- 3.10.103. These circumstances may mean that the employee is not physically ill as a result of the contact but has been deemed unfit for duty (quarantined) to determine whether or not they have been affected by the contact.
- 3.10.104. All leave for infectious disease contact requires supporting medical documentation. Where personal leave is taken for this purpose, satisfactory documentary evidence must be provided for three or more consecutive days leave.
- 3.10.105. The Department and/or the employee's medical practitioner may be required to report the contact to the Department of Health, having regard to the *Privacy Act 1988*.
- 3.10.106. Refer to the [Communicable Diseases - Procedural Instruction \(HR-2115\)](#) for further information.

Invalidity and personal leave

- 3.10.107. Unless an employee consents or it is otherwise provided in legislation, their employment will not be terminated on invalidity grounds until the employee's paid personal leave credits are exhausted.

3.11. Compensation leave/payments and insurance payments

- 3.11.1. Compensation leave may be provided to employees in relation to a work related injury as determined by Comcare.
- 3.11.2. Where a compensation claim has been submitted, employees are required to use their personal leave credits until Comcare has accepted liability for both the claim and the periods of absence. This is entered in easySAP as 'Sick Leave Pre Compo Approval'.
- 3.11.3. Where the employee has exhausted all of their paid personal leave, they may use other paid leave credits. Personal leave (sick leave without pay) must be used where the employee has no paid leave credits available.
- 3.11.4. Should the claim and periods of absence be accepted by Comcare, compensation leave is entered by Payroll on behalf of the employee in accordance with legislative requirements. The employee will be re-credited with the appropriate leave to cover the absence(s) caused by the compensable illness or injury and in accordance with the terms of the claim accepted by Comcare.

- 3.11.5. Employees should submit appropriate leave applications in easySAP even if they are waiting for the outcome of a compensation claim.
- 3.11.6. For further information on worker's compensation, please refer to [MyHR - Worker's compensation](#).

3.12. Insurance claims/payments

- 3.12.1. Employees waiting for the outcome of an insurance liability claim (not related to compensation) must still submit appropriate leave applications in easySAP to cover any absence.
- 3.12.2. Delaying the submission of leave applications to continue to receive salary payment (which may result in leave without pay if insufficient leave credits are available) until an insurance or compensation payment is received could be regarded as a breach of the APS Code of Conduct and may result in a referral to Integrity and Professional Standards.

Example

Jeff was injured in a motorcycle accident and was unable to attend for duty for a period of three months. During this time, no absences were entered within easySAP by the employee's manager or the employee, as the employee didn't want to use their leave credits or enter unpaid leave.

Jeff knew that he had been overpaid, but he was waiting for his insurance company to accept liability and he expected to receive a payment. When the insurance company requested overpayment information, Jeff submitted appropriate leave requests to cover all his absences.

3.13. War service sick leave

- 3.13.1. War service sick leave provides employees who have performed certain Defence Force services with additional leave for personal illness or injury where they are unfit for work as a result of a medical condition caused by their war service.
- 3.13.2. A war-caused medical condition is an injury or disease that has been determined under the [Veterans' Entitlements Act 1986](#) or the [Military Rehabilitation and Compensation Act 2004](#) to be war-caused or Defence-caused.
- 3.13.3. On commencement of employment with the APS, an employee will be provided with a one off nine week special credit of war service sick leave (WSSL).
- 3.13.4. Employees eligible for WSSL will also be provided with a three week annual credit on commencement with the APS and will accrue an additional three weeks annually up to a maximum balance of nine weeks.
- 3.13.5. Once the employee has exhausted their special one off nine week credit, they will be eligible to access their annual leave credits.
- 3.13.6. Annual leave credits will continue to accrue and be added to the employee's WSSL balance to top up their accruals to a maximum of nine weeks until the WSSL balance incorporates all previous annual leave accruals.

Example

Jack commenced working in the APS on 27 August 2018. His war service sick leave accrues as follows:

- 27/8/2018 – special nine-week credit provided
- 27/8/2018 – annual three-week credit provided (may not be used unless special nine-week credit has been exhausted)
- 27/8/2019 – annual three-week credit provided (may not be used if Jack had not used any of his previous war service sick leave credits – see 3.13.5 above).

- 3.13.7. When moving from another APS agency, unused war service sick leave credits can be transferred subject to the maximum annual credit of nine weeks.
- 3.13.8. Where war service sick leave credits have been used in full, employees may use their personal leave credits.
- 3.13.9. War service sick leave is on full pay and counts as service for all purposes.

Requesting war service sick leave

- 3.13.10. Absences on war service sick leave must be supported by documentary evidence issued by the Department of Veterans' Affairs (DVA) stating the absence was for a war-caused condition.
- 3.13.11. Medical certificates issued by medical practitioners in relation to war-related injuries must include reference to the certificate issued by DVA.
- 3.13.12. Requests for war service sick leave should be sent through the [Support Connect Portal](#) for delegate approval. The delegation to approve war service sick leave is within the People and Culture Division.

4 Accountabilities and Responsibilities

Role	Description
Employee Conditions and Relocations Section, People Services Branch, People and Culture Division	Employee Conditions and Relocations Section is responsible for: <ul style="list-style-type: none"> • providing advice to employees and managers on more complex unplanned leave queries • coordination and administration of leave requests for People and Culture Division delegate approval.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Role	Description
Employees	<p>In line with the provisions of the Leave PS and this PI, employees are responsible for:</p> <ul style="list-style-type: none">• attending work unless there is a justifiable cause for absence and not attending work if they are genuinely ill or injured• notifying their manager or nominated work area contact (for shift employees) via a phone call if they are not able to attend work• ensuring absences are recorded accurately in easySAP with an appropriate leave type, either by themselves or by their manager• using the appropriate form of leave for any absence• amending leave and/or acquitting unscheduled absences, if required, on their return to work<ul style="list-style-type: none">○ if leave has not been entered, they must request appropriate leave to cover the absence period in easySAP• keeping their manager updated if they are unable to return to work for a period of time, and ensuring that leave is entered on their behalf. <p>In line with the BFO Change of Health Circumstances PI, BFO's are additionally responsible for</p> <ul style="list-style-type: none">• reporting a change in health circumstances as soon as reasonably practicable after the change occurs and provide it to the relevant area.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Managers	<p>On receiving advice an employee is going to be absent:</p> <ul style="list-style-type: none">• having a discussion with the employee to obtain relevant information to determine what leave needs to be entered on their behalf• checking the employee's leave balance in easySAP via Managers > Attendance and Leave Management > Leave Balances• entering the employee's absence in easySAP via Managers > Team View for<ul style="list-style-type: none">○ paid leave, if employee has sufficient leave credits○ unpaid leave, if the employee does not have enough leave credits.• advising Support Connect if an absence is deemed unauthorised. <p>When the absence will, or is likely to, exceed two weeks:</p> <ul style="list-style-type: none">• advising Case Management Services in People and Culture Division (whether the injury/illness is work related or otherwise)• double checking the employee's leave balance - if there is not sufficient leave, the absence must be entered as unpaid• maintaining reasonable contact with the employee to determine whether they require support to return to the workplace. <p>If the employee does not return to work when expected and they have not made contact:</p> <ul style="list-style-type: none">• contacting the employee to ensure their wellbeing (contact details can be obtained from Support Connect)• recording the absence in easySAP - in the first instance, it should be entered as an USAU. <p>When entering unplanned leave:</p> <ul style="list-style-type: none">• understanding the eligibility requirements of the requested leave types• considering flexible leave options in providing short-term absences to employees, for example, offering flex-time for part-day absences• applying consistency and fairness in leave access across the team• considering the reasons for absences and manage those to reduce ongoing absence• ensuring notification and entering leave processes are followed and that leave is being used for the appropriate purpose• ensuring all unplanned leave is approved in easySAP no more than 30 days after the leave end date. <p>Managers also have the following attendance management responsibilities:</p> <ul style="list-style-type: none">• clearly informing employees within their team on expectations in relation to leave usage, including notification methods, when they are required to provide supporting documentation and the permissible occasions to use personal leave• discussing absences with employees when they occur to identify any high priority work that needs to be reallocated during their absence• monitoring leave and absences in their area on a day to day basis and ensuring accurate leave records are maintained• enabling all employees to access leave entitlements for justifiable reasons• recognising and addressing inappropriate use of leave provisions• identifying, documenting and addressing recurring unscheduled absences through discussion with employees
-----------------	--

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Role	Description
	<ul style="list-style-type: none"> having a conversation with employees on their return to ensure they have the support required for a successful return from their absence and to discuss any work related matters that occurred in their absence sighting supporting documentary evidence when required by the WD and policy or when patterns of absence have been identified and discussed with employees.
Staff Health and Fitness Section, Staff Health and Wellbeing Branch, People and Culture Division	<p>Staff Health and Fitness Section is responsible for:</p> <ul style="list-style-type: none"> case management for staff with non-work related injury/illness contacting ill and/or injured employees to discuss and coordinate early intervention strategies and requirements providing holistic support to assist ill and/or injured employees and their manager to facilitate a safe and durable return to work coordinating fitness for duty assessments where required.
Payroll Operations Section, People Operations Branch, People and Culture Division	<p>Payroll Operations Section is responsible for:</p> <ul style="list-style-type: none"> managing requests from employees, managers and delegates in relation to leave requests as required working with other People and Culture Division teams to ensure employees on unpaid leave and/or on worker's compensation have appropriate leave and payment arrangements recorded monitoring unscheduled absences and taking appropriate follow up action in accordance with this PI.
Rehabilitation and Compensation Management Section, People Services Branch, People and Culture Division	<p>Rehabilitation and Compensation Management Section is responsible for:</p> <ul style="list-style-type: none"> working with employees and Comcare in relation to worker's compensation cases.
Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch, People and Culture Division	<p>Workforce Management and Conditions Section is responsible for:</p> <ul style="list-style-type: none"> providing policy advice and guidance in relation to unplanned leave arrangements to stakeholders across the Department, including the ABF policy development and updates in relation to this PI to ensure currency and relevance.

5 Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	15 April 2019	Workforce Management and Conditions Section, People Management Branch	Initial draft to support WD for staff consultation
0.2	5 July 2019	Workforce Management and Conditions Section, People Management Branch	Amended draft following consideration of staff feedback. For further staff consultation.

OFFICIAL

Version number	Date of issue	Author(s)	Brief description of change
0.3	17 September 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Amended draft following staff consultation.
0.4	12 December 2019	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Amended draft.
0.5	12 August 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Finalised draft for staff consultation.
0.6	1 March 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Final version incorporating staff and union feedback.
0.7	6 July 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Revised to reflect feedback from PPCF and PPCF Legal.
0.8	14 December 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Revised to reflect decision of the Fair Work Commission of 2 November 2021 and to clarify administrative processes and reflect system changes occurring since July 2021
0.9	27 January 2022	Legal Group	Legal review of this document.
0.10	7 April 2022	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Additional amendments to reflect current organisational structure and functions in relation to case managements.
0.11	25 January 2023	Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	Additional amendments to reflect Public Sector Interim Working Arrangements 2022 and based on further advice from Health Services Division.
0.12	27 October 2023	Workforce Management and Conditions Section, Workplace Relations and Enterprise Agreement Branch	Minor amendments following staff consultation.

Released by Department of Home Affairs under the Freedom of Information Act 1982

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Accrual		The accumulation of leave entitlements over a set period of time in accordance with the provisions under the Department of Home Affairs Workplace Determination 2019 (WD).
Australian Border Force	ABF	As defined in section 4 of the <i>Australian Border Force Act 2015</i> , the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Border Force Officer	BFO	Border Force Officer status is assigned to an employee who is committed to a career undertaking functions relating to border protection, law enforcement and national security priorities. BFOs are operationally ready, maintain essential qualifications, expected to be sworn, generally uniformed and by actively participating in Postings are able to be deployed at short notice across a range of operating domains.
Casual employee	Casual	A non-ongoing employee engaged under section 22(2)(c) of the <i>Public Service Act 1999</i> for duties that are irregular or intermittent.
Change of Health Circumstances Questionnaire	CHCQ	A questionnaire used to report changes in physical or mental health and decreases in levels of fitness.
De facto partner	De facto	Means a person who although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (irrespective of gender).
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to HR Delegations .
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2020/01 , and the Department of Home Affairs Determination 2022/01 .
Department of Home Affairs Determination 2020/01 and Department of Home Affairs Determination 2022/01	Section 24(1) determination	A determination made by the Secretary under section 24(1) of the <i>Public Service Act 1999</i> that outlines the increases to employees' salary and salary related allowances up until 9 February 2023.
Employee		An ongoing or non-ongoing employee engaged under section 22(2) of the <i>Public Service Act 1999</i> .
Extended absence		An absence from the workplace which is a period of at least four weeks:

OFFICIAL

Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> • either in a continuous period, or • accumulated over a period of 13 weeks.
<i>Fair Work Act 2009</i> (Cth)	FW Act	The FW Act is the key piece of Commonwealth legislation about employer and employee rights and responsibilities at work. This Act provides the minimum employment standards and conditions that apply to most people employed in Australia.
Family and Domestic Violence	FDV	Family and Domestic Violence is defined by the FW Act as violent, threatening or other abusive behaviour by a close relative of an employee, a member of an employee's household, or a current or former intimate partner of an employee, that: <ul style="list-style-type: none"> • seeks to coerce or control the employee; and • causes the employee harm or to be fearful.
Family or household member		Means: <ul style="list-style-type: none"> • a former or current partner, child, parent, grand-parent, grand-child or sibling of the employee • a child, parent, grand-parent, grand-child or sibling of a former or current partner of the employee • a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the employee belongs • any person dependent on the employee for care and support.
Full-time employee		An employee who works 37.5 hours per week or 75 hours per fortnight, or average thereof.
Invalidity		When medical evidence supports that an employee is to be retired on medical grounds.
Leave balance		The amount of leave credit available to an employee at a point in time. It is the amount credited to an employee minus any leave taken.
Manager		Means the supervisor, section head or team leader of an employee.
National Employment Standards	NES	The NES are 10 minimum standards of employment under the FW Act. The national minimum wage and the NES make up the minimum entitlements for employees in Australia.
Not to count as service		Leave without pay generally does not count as service. This means that during the period of unpaid leave employees do not accrue annual, personal or long service leave (LSL). Superannuation contributions are also not made.
Paid leave		Approved leave for which the employee receives salary payments and eligible allowances including but not limited to annual leave, LSL, paid personal leave and miscellaneous leave with pay.
Part-time employee		An employee who works less than a standard working week of 37.5 hours per week or 75 hours per fortnight, or average thereof.
Partner		Means a spouse or a de facto partner of an employee.

OFFICIAL

Term	Acronym (if applicable)	Definition
Recognised emergency service organisation		<p>A recognised emergency management body that is:</p> <ul style="list-style-type: none"> • a body, or part of a body, that has a role or function under a plan that <ul style="list-style-type: none"> – is for coping with emergencies and/or disasters and – is prepared by the Commonwealth, a State or a Territory, or • a fire fighting, civil defence or rescue body, or part of such a body, or • any other body, or part of a body, a substantial purpose of which involves <ul style="list-style-type: none"> – securing the safety of persons or animals in an emergency or natural disaster or – protecting property in an emergency or natural disaster or – otherwise responding to an emergency or natural disaster, or • a body, or part of a body, prescribed by the regulations. <p>It does not include a body that was established, or is continued in existence, for the purpose of entitling one or more employees to be absent from their employment under the community service leave provisions of the FW Act.</p>
Shift employee		<p>An employee whose ordinary hours of work rostered for duty within a roster or cycle of shifts that do not exceed an average of the ordinary weekly hours applicable to employees working that roster.</p> <p>This does not include employees who are eligible to access flex-time arrangements in accordance with clause 3.18 of the WD or employees on standard hours of duty.</p>
Spouse		<p>Means a person who is legally married to or united with the employee under Federal or State law (irrespective of gender identity).</p>
To count as service		<p>A period of leave that counts as service for the purpose of leave accrual.</p> <p>Unless otherwise provided for in legislation or specified in the WD:</p> <ul style="list-style-type: none"> • all paid leave counts as service • unpaid leave does not count as service unless specified by legislation or determined by the Secretary.
Unauthorised absence		<p>An unauthorised absence is not a form of leave. It is an absence from the workplace that is not supported by an appropriate leave application/approval:</p> <ul style="list-style-type: none"> • An employee will be considered to be on an unauthorised absence when they are absent from the workplace, and have not notified and/or obtained approval from their manager, including failure to submit the appropriate leave applications in easySAP on return from unplanned leave. • All pay and entitlements under the WD cease to apply during an unauthorised absence. The absence will not count for service for any purpose.
Unpaid leave		<p>Approved leave for which the employee does not receive salary payments and eligible allowances including, but not limited to unpaid</p>

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
		personal leave, unpaid maternity or parental leave, ceremonial leave and miscellaneous leave without pay. Generally unpaid leave does not count as service for any purpose.
Unscheduled absence		<p>An unscheduled absence:</p> <ul style="list-style-type: none"> • is a type of administrative arrangement to ensure employees are not overpaid • is not leave and does not deduct leave credits from an employee's leave balance • can be recorded as a paid or unpaid absence but should accurately reflect the appropriate leave type for the absence • must be acquitted with the appropriate leave type when the employee returns to duty. <p>Where an unscheduled absence is not acquitted with the appropriate leave type within 30 days of the absence occurring, the absence will be reflected on the employee's SAP record as an unauthorised absence. This action may result in retrospective adjustments to pay.</p>
Work area contact – for shift employees		Alternative point of contact as determined by a work area for an employee to notify an unplanned absence.
Working day		<p>A day that an employee is rostered and expected to perform duty.</p> <ul style="list-style-type: none"> • For employees who are full-time flex employees or work standard hours, working days are Monday to Friday. • For employees who have flexible working arrangements (full-time or part-time), working days are those agreed in the flexible working arrangement. • For shift employees or sea-going marine employees, working days are the days employees are rostered for duty.

Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
<i>Public Service Regulations 2023</i>	Section 11	Direction to attend medical examination (PS Act s20)	Yes	All HR delegations are available here .
<i>Home Affairs Workplace Determination 2019</i>	Part 4 - Leave	Provides general provisions for various leave types, including approval and payment.	Yes	All HR delegations are available here .
<i>Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022</i>	Section 106A	Provides paid family and domestic leave.	No	

1.2 Controls and Assurance

Related Policy	Leave – Policy Statement (HR-2146) Working Hours and Arrangements – Policy Statement (HR-2190) Domestic and Family Violence Strategy 2016-2020
Procedures / Supporting Materials	<ul style="list-style-type: none"> • Planned Leave – Procedural Instruction (HR-4750) • Parental leave – Procedural Instruction (HR-6610) • Working hours - Procedural Instruction (HR-2191) • Overpayments and employee debt - Procedural Instruction (HR-6614) • Family and Domestic Violence Leave Fact sheet • Early Intervention - Procedural Instruction (HR-2124) • Change of Health Circumstances Questionnaire for Supervisors (HR-6612)
Training/Certification or Accreditation	Nil
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Support Connect Portal Support connect: s22(1)(a)(ii) @homeaffairs.gov.au

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Escalation arrangements	Queries which require escalation will be forwarded through the Support Connect Portal to the relevant People and Culture Division work area
Recordkeeping (e.g. system based facilities to record decisions)	Content Manager easySAP
Program or Framework (i.e. overarching Policy Framework or Business Program)	Workforce Management and Conditions.
Job Vocational Framework Role	This PI applies to all job roles in the Department, including the ABF

Attachment C – Consultation

1.1 Internal consultation

1.1.1 The following internal stakeholders were consulted in the development of this PI:

- People Strategy and Engagement Branch, People and Culture Division
- People Services Branch, People and Culture Division
- People Operations Branch, People and Culture Division
- Staff Health and Wellbeing Branch, Health Services Division
- Legal Group
- all Department of Home Affairs employees, including the ABF.

1.2 External consultation

1.2.1 The following external stakeholders were consulted in the development of this PI:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).



Parental Leave

Procedural Instruction

Document ID (PPN)	HR-6610
TRIM record number	ADD2022/3244874
BCS Function	Human Resources Management - Advice
Document owner	Assistant Secretary, Workplace Relations and WHS Assurance
Approval date	21 June 2022
Document Contact	Support Connect

Table of Contents

1. Purpose	4
2. Scope	4
3. Definitions	4
4. Procedural Instruction	8
4.1. General provisions applying to parental leave	8
Extended absences	8
4.2. Paid parental leave	9
Entitlements	9
Salary payable during paid parental leave	9
Varying payment of parental leave	10
4.3. Maternity leave	11
Eligibility	11
Entitlements	12
Transfer to a safe job	12
Documentary evidence requirements	14
Applying for maternity leave	14
Mandatory absence period	14
Loss of pregnancy	16
Access to other leave while on unpaid maternity leave	17
Employees on LWOP	17
Extending maternity leave	18
Returning to work	18
Superannuation contributions	19
4.4. Supporting partner leave	20
Eligibility	20
Entitlements	20
Documentary evidence required	21
Applying for supporting partner leave	21
Payment of supporting partner leave	22
Access to other leave while on supporting partner leave	22
Unpaid supporting partner leave	22
Extending unpaid supporting partner leave	22
Superannuation contributions	23
4.5. Adoption/foster leave	23
Eligibility	23
Entitlements	23
Documentary evidence required	24
Applying for adoption/foster leave	24
Unpaid adoption/foster leave	24
Adoption/foster leave for employee couples	25
Access to other leave while on adoption/foster leave	25
Access to adoption/foster leave while on leave without pay (LWOP)	26
Extending adoption/foster leave	26
4.6. Surrogacy arrangements	26
Eligibility	26
Provisions	26

OFFICIAL

4.7. Unpaid parental leave	27
Eligibility	27
Accessing other paid leave during unpaid parental leave	28
Notification and planning requirements	29
Employee couples taking unpaid parental leave	29
Additional unpaid parental leave	29
4.8. Other FW Act leave provisions	30
4.9. Keeping in touch and returning to work	31
Keeping in touch days	31
Return to work	32
4.10. Other provisions	33
Parental leave pay	33
Dad and Partner Pay	33
5. Consultation	35
5.1. Internal consultation	35
5.2. External consultation	35
6. Accountabilities and Responsibilities	36
7. Version Control	37
Attachment A – Assurance and Control Matrix	38
1.1. Powers and Obligations	38
1.2. Controls and Assurance	38

1. Purpose

- 1.1. This Procedural Instruction (PI) outlines employee and manager responsibilities in relation to notifying and managing planned leave absences for the following types of leave:
- maternity leave
 - supporting partner leave
 - adoption/foster leave
 - surrogacy arrangements.

2. Scope

- 2.1. This PI applies to all employees of the Department of Home Affairs (the Department), including the Australian Border Force (ABF), but excluding the Senior Executive Service (SES).
- SES officers seeking information about their entitlements under the provisions of the [Maternity Leave \(Commonwealth Employees\) Act 1973 \(Cth\)](#) should contact the Executive Governance and Support team.
- 2.2. This PI does not provide details on leave types other than those listed in clause 1.1 above. Refer to the [Planned Leave – Procedural Instruction \(HR-4750\)](#) and the [Unplanned Leave – Procedural Instruction \(HR-4751\)](#) for other leave types.
- 2.3. For information relating to:
- flex leave or flexible time-off arrangements, refer to the [Working Hours – Procedural Instruction \(HR-2191\)](#)
 - study leave, refer to the [Studies Assistance – Policy Statement \(HR-2178\)](#).

3. Definitions

Term	Acronym (if applicable)	Definition
Accrual		The accumulation of leave entitlements over a set period of time in accordance with the provisions under the Department of Home Affairs Workplace Determination 2019 .
Adoption		To take on legal responsibilities as a parent of a child that is not the employee's biological child. To qualify for adoption leave the child must: <ul style="list-style-type: none"> • be under 16 years of age • not have lived continuously with the employee for a period of six months or more on the day of placement, and • not be a child of the employee's spouse or de facto partner.
Australian Border Force	ABF	As defined in section 4 of the Australian Border Force Act 2015 (Cth) , the Australian Border Force means that part of the Department known as the Australian Border Force.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
		The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Australian Public Service	APS	The APS is established under the Public Service Act 1999 (Cth) . People employed in the APS work in public administration roles within Australian Government departments and agencies.
Casual employee	Casual	A non-ongoing employee engaged under paragraph 22(2)(c) of the Public Service Act 1999 (Cth) for duties that are irregular or intermittent.
De facto partner		A person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (irrespective of gender).
Delegate		The relevant person or position that the Secretary has delegated power to make decisions in line with the HR delegations. Refer to HR Delegations .
Department of Home Affairs	The Department	The Department of Home Affairs.
Department of Home Affairs Workplace Determination 2019	WD	The WD sets out the terms and conditions of employment for non-SES employees in the Department. The terms and conditions of employment are covered by both the WD and the Department of Home Affairs Determination 2020/01 .
Department of Home Affairs Determination 2020/01	Section 24(1) determination	A determination made by the Secretary under subsection 24(1) of the Public Service Act 1999 (Cth) that outlines the increases to employees' salary and salary related allowances up until 9 February 2023.
Discretionary leave		Any leave other than non-discretionary leave (see definition below).
Eligible service		The length of time that an employee works for the Department, including any prior Australian Public Service (APS) service. <ul style="list-style-type: none"> • To be eligible for any type of paid parental leave, employees must have completed a minimum of 12 months continuous APS service.
Employee		An ongoing or non-ongoing employee engaged under 22(2) of the Public Service Act 1999(Cth) .
Employee couple		Two employees covered by the National Employment Standards who are in a spousal or de facto relationship. The employees do not need to be working for the same employer, i.e. the Department or the APS, to be considered an employee couple.
Expected date of confinement	EDC	In accordance with the Maternity Leave (Commonwealth Employees) Act 1973 (Cth) , the EDC is the expected date of birth of the child.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
<i>Fair Work Act 2009 (Cth)</i>	FW Act	The FW Act is a key piece of legislation about employer and employee rights and responsibilities at work. The FW Act provides the minimum employment standards and conditions that apply to all people employed in Australia.
Foster child		A child for whom the employee has assumed primary long-term caring responsibility. Foster leave will only apply where the arrangement is a permanent placement and the child: <ul style="list-style-type: none"> • is under 16 years of age • has not lived continuously with the employee for a period of six months or more on the day of placement and • is not a biological or adopted child of the employee's partner.
Full-time employee		An employee who works 37.5 hours per week or 75 hours per fortnight, or average thereof.
Leave balance		The amount of leave credit available to an employee at a point in time. It is the amount credited to an employee minus any leave taken.
Manager		The supervisor, section head or team leader of an employee.
Mandatory absence period		The required period of absence under the <i>Maternity Leave (Commonwealth Employees) Act 1973 (Cth)</i> which commences six weeks before the EDC and ends six weeks after the date of birth of the child. <ul style="list-style-type: none"> • The mandatory absence commencement date is calculated as six calendar weeks prior to the EDC. • The second six week period is calculated as six calendar weeks from the actual date of birth. <p>Unless otherwise provided for, maternity leave commences at the beginning of the mandatory absence period.</p>
<i>Maternity Leave (Commonwealth Employees) Act 1973 (Cth)</i>	ML Act	The ML Act provides the entitlement to maternity leave for Commonwealth employees.
Miscarriage		In accordance with section 12 of the FW Act , miscarriage means a spontaneous loss of an embryo or fetus before a period of gestation of 20 weeks.
National Employment Standards	NES	The NES are 10 minimum standards of employment under the FW Act . The national minimum wage and the NES make up the minimum entitlements for employees in Australia.
Non-discretionary leave		<ul style="list-style-type: none"> • Means: • parental leave as provided by the WD and the FW Act • personal/carers/compassionate leave as provided by the WD and the FW Act • community service leave, including jury service and voluntary emergency management activities as provided by the WD and

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
		the FW Act.
Not to count as service	NTCAS	<ul style="list-style-type: none"> Leave without pay generally does not count as service. This means that during the period of unpaid leave employees do not accrue annual, personal or long service leave (LSL). Superannuation contributions are not made unless otherwise provided for by relevant legislation.
Paid leave		Approved leave for which the employee receives salary payments and eligible allowances, including but not limited to annual leave, LSL, paid personal leave and miscellaneous leave with pay.
Parental leave		A general term which covers a range of paid and unpaid leave entitlements arising under the WD , ML Act and FW Act relating to the birth or permanent placement of a child. Parental leave includes unpaid parental leave, maternity leave, adoption/foster leave and supporting partner leave.
Partner		A spouse or a de facto partner of an employee.
Part-time employee		An employee who works less than a standard working week of 37 hours 30 minutes (or 75 hours per fortnight), or average thereof.
Prior service		Service with another APS agency or any other agency specified in the ML Act which will be recognised for eligibility purposes in the Department.
Secretary		The appointed agency head of the Department.
Special maternity leave		Unpaid leave provided under the FW Act for pregnancy-related illnesses prior to the mandatory absence period or for pregnancies which terminate after 12 weeks.
Spouse		A person who is legally married to or united with the employee under Federal or State law (irrespective of gender).
Stillborn child		As defined in section 77A of the FW Act is a child: <ul style="list-style-type: none"> who weighs at least 400 grams at delivery or whose period of gestation was at least 20 weeks, and who has not breathed since delivery, and whose heart has not beaten since delivery.
Surrogacy		An arrangement for a woman to become pregnant and give birth to a child for another couple or single person with the intention of giving that child to the couple/person once born.
To count as service	TCAS	<p>A period of leave that contributes to the leave accrual calculations for future leave credits.</p> <p>Unless otherwise provided for in legislation or specified in the WD:</p> <ul style="list-style-type: none"> all paid leave counts as service

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none">unpaid leave does not count as service unless specified by legislation or determined by the Secretary.
Unpaid leave		Approved leave for which the employee does not receive salary payments and eligible allowances including, but not limited to unpaid personal leave, unpaid maternity, ceremonial leave and miscellaneous leave without pay. Most unpaid leave does not count as service and defers accruals for paid leave entitlements under the WD .
Unpaid parental leave		Refers to the entitlement to unpaid parental leave in the NES set out under the FW Act .
Working day		A day that an employee is rostered and expected to perform duty. <ul style="list-style-type: none">For employees who are full-time employees who work flex or standard hours, working days are Monday to Friday.For employees who have flexible working arrangements (full-time or part-time), working days are those agreed in the flexible working arrangements.For shift employees or sea-going marine employees, working days are the days employees are rostered for duty.

4. Procedural Instruction

4.1. General provisions applying to parental leave

4.1.1. There is a range of paid and unpaid leave to support employees who have parental caring responsibilities in relation to the birth or placement of a child. Types of leave include:

- paid and unpaid [maternity leave](#)
- paid and unpaid [supporting partner leave](#)
- paid and unpaid [adoption/foster leave](#)
- unpaid parental leave.

Extended absences

4.1.2. Employees commencing parental leave (paid and/or unpaid) exceeding three months must comply with the requirements of the [Managing long term employee absences - Procedural Instruction \(HR-1806\)](#) including completion of a [Staff Return Agreement \(SRA\) - Supporting Material \(HR-6720\)](#).

4.1.3. The SRA provides the employee with options for maintaining contact with their work areas during their extended absence on parental leave.

4.1.4. Additionally, employees must comply with the extended leave requirements outlined in the [Physical Access - Procedural Instruction \(HR-6809\)](#).

- 4.1.5. Irrespective of any SRA arrangements, under section 83 of the [FW Act](#), managers must take all reasonable steps to contact employees on parental leave if there are any changes in the work area which will have a significant effect on the employee’s pre-parental leave position including status, pay or location of work:
- In the first instance, an email should be sent to the employee. Managers should contact Support Connect if the employee has not provided contact details while on leave.
 - The employee should be provided with an opportunity to discuss the changes and seek further information either via phone call or email.

4.2. Paid parental leave

Entitlements

- 4.2.1. General entitlements for paid parental leave are:
- up to 14 weeks paid [maternity leave](#)
 - up to four weeks [paid supporting partner leave](#)
 - up to 14 weeks paid [adoption/foster leave](#).
- 4.2.2. In order to be eligible for paid parental leave outlined at clause 4.2.1, employees must have at least 12 months continuous APS service.
- 4.2.3. Employees may also be eligible for Parental Leave Pay, which is administered by Services Australia and comprises a payment for a continuous block of up to 18 weeks, or 90 payable days. Further information about this can be found at [Parental Leave Pay - Who can get it - Services Australia](#).
- 4.2.4. During a period of paid leave provided under either the [ML Act](#) or the [WD](#), other paid leave entitlements cannot be accessed, including during a period where paid leave [payments have been varied](#) (i.e. taken pro-rata).

Salary payable during paid parental leave

- 4.2.5. During a period of paid parental leave, employees are paid the salary and allowances they would have received if they had been on personal leave.
- 4.2.6. Paid parental leave may be taken at either full pay or half pay, but it cannot be taken as a combination of both.
- 4.2.7. The following table identifies how salary is determined during paid parental leave:

If immediately prior to commencing parental leave the employee was:	during parental leave, the employee will be paid:
full-time	base rate of pay for the employee’s ordinary hours of work.
part-time	base rate of pay for the employee’s ordinary hours of work, based on agreed working hours prior to commencing paid parental leave.
	<p>Example</p> <p>Pam worked part-time four days a week prior to commencing parental leave, and her salary was pro-rated based on her agreed part-time working hours.</p> <p>All paid leave, allowances and other entitlements during parental leave will be based on Pam’s part-time arrangements prior to commencing leave.</p>

OFFICIAL

If immediately prior to commencing parental leave the employee was:	during parental leave, the employee will be paid:
performing higher duties	<p>at the higher duties rate for the period that they would have been on higher duties but for the paid parental leave. The same rules apply when employees take other paid leave in conjunction with paid parental leave.</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Example 1</p> <p>Kate is on higher duties for 12 months from March 2019 to March 2020. The period of higher duties has been entered on easySAP and approved by her manager. She goes on maternity leave in November 2019. She will receive higher duties for the entire 12 week period of her maternity leave (November 2019 to January 2020). If Kate takes annual leave from February 2020, she will receive higher duties payment for her annual leave until the end date of her approved period of higher duties in March 2020.</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>Example 2</p> <p>Sam was commencing adoption/foster leave in June and was on higher duties until the beginning of August. The higher duties payment will continue to the approved date in August notwithstanding Sam's absence on adoption/foster leave.</p> </div>
on shift work	salary, without shift penalties.
receiving a district allowance	this allowance, provided the employee remains stationed at the location. In accordance with clause 9.8 of the WD , district allowance ceases to apply on the day the employee ceases to be stationed at the location or ceases to be employed by the Department.

If immediately prior to commencing parental leave the employee was:	during parental leave, the employee will be paid:
receiving overseas allowances	overseas allowances, provided the employee remains at post. For further details on the payment of overseas allowances while on maternity leave please refer to the Overseas Conditions of Service - Policy Statement (HR-2158) .

Varying payment of parental leave

- 4.2.8. Employees (except those at an overseas post), who are eligible to take paid parental leave may request to vary the payment for approved leave on a pro-rata basis.
- 4.2.9. Employees working at an overseas post should refer to the [Overseas Conditions of Service - Policy Statement \(HR-2158\)](#) for further information.

Conditions for varying the payment of parental leave

Leave type	Conditions for varying payment of parental leave
Adoption leave Foster leave Maternity leave	<ul style="list-style-type: none"> Payment may be spread over a maximum period of up to 28 weeks (based on 14 weeks leave at full pay). Weekends and public holidays form part of maternity, adoption and foster leave for the purpose of calculating

OFFICIAL

Leave type	Conditions for varying payment of parental leave
	<p>the number of weeks leave taken. For example, Monday to Sunday (even if the Monday is a public holiday) is equivalent to one week of leave.</p> <ul style="list-style-type: none">• Regardless of the spread of the payment, only the first 14 weeks will count towards service.

Example 1

An employee could apply for paid maternity, adoption or foster leave over an absence period of 20 weeks. This means the 14 week full-pay entitlement will be paid on a pro-rata basis spread over 20 weeks.

Example 2

An employee could apply for paid maternity, adoption or foster leave over a 28 week period which means the 14 week full-pay entitlement will be paid on a pro-rata basis spread over 28 weeks. This means that leave is taken at half pay.

Leave type	Conditions for varying payment of parental leave
Supporting partner leave	<ul style="list-style-type: none">• Maximum period of up to eight weeks (based on four weeks leave at full pay).• Weekends and public holidays form part of paid parental leave for the purpose of calculating the number of weeks leave taken. For example, Monday to Sunday (even if the Monday is a public holiday) is equivalent to one week of leave.• Only the first four weeks will count towards service.

Example 1

An employee could apply for paid supporting partner leave over an absence period of six weeks, which means the four week full-pay entitlement will be paid on a pro-rata basis spread over six weeks.

Example 2

An employee could apply for paid supporting partner leave over an eight week period which means the four week full-pay entitlement will be paid on a pro-rata basis spread over eight weeks. This means that leave is taken at half pay.

4.3. Maternity leave

4.3.1. Employees are provided maternity leave in accordance with the [ML Act](#).

Eligibility

4.3.2. All pregnant departmental employees, other than casual employees, are covered by the [ML Act](#).

4.3.3. To be eligible for paid maternity leave, an employee must have 12 months continuous service with the APS or other qualifying service in accordance with the [ML Act](#) (for example, the Australian Federal Police).

4.3.4. For service to be recognised for the purposes of paid maternity leave under the [ML Act](#), there

OFFICIAL

must be strict continuity of employment (i.e. the employee must have ceased employment on one day and commenced employment with the new agency on the next working day).

- 4.3.5. Employment with the Australian Defence Forces or state agencies is not qualifying service under the [ML Act](#).
- 4.3.6. Leave without pay (LWOP) (including prior unpaid maternity leave) may impact on an employee's eligibility for maternity leave. Refer to [Employees on LWOP](#) for further information.
- 4.3.7. Employees who are not eligible for paid maternity leave under the [ML Act](#) (refer clause 4.3.4 above) are entitled to be absent from duty on unpaid maternity leave, for up to 52 weeks from the commencement of the [mandatory absence period](#). The first 12 weeks of this leave will count as service for all purposes.
- 4.3.8. Where an employee commences unpaid maternity leave under the ML Act and becomes eligible for paid maternity leave under the ML Act within the first 12 weeks of that leave (i.e. they meet the 12 months continuous service qualifying period while on unpaid maternity leave), they will be entitled to payment from the eligibility date (the date on which they complete 12 months continuous service) until the end of the initial 12 week period. They will also be eligible for the additional two weeks paid maternity leave under clause 4.54 of the [WD](#).

Example

Susan has been employed with the Department for 11 months when she commences maternity leave. Because she does not have 12 months continuous service with the APS or another qualifying service, she is not eligible for paid maternity leave under the [ML Act](#), but is entitled to up to 12 weeks unpaid maternity leave to count as service. On commencement of maternity leave, Susan takes four weeks unpaid maternity leave, which counts as service. Susan reaches her 12 months qualifying service at the end of week four of her unpaid maternity leave and is now eligible for the remaining eight week period to be paid. She is also eligible for the additional two weeks paid maternity leave under the [WD](#).

Once Susan is eligible for paid maternity leave, she may elect to spread her 10 week paid entitlement (eight weeks under [ML Act](#) and 2 weeks under the [WD](#)), over a maximum period of up to 24 weeks.

Payments may be spread over a maximum of 28 weeks from commencement of maternity leave, but because Susan already took four weeks unpaid maternity leave, the remaining period that payments can be spread over is up to 24 weeks.

The 52 week absence period under the [ML Act](#) started on the day Susan commenced her four weeks of unpaid maternity leave. The combined unpaid and paid absence for the first 14 weeks of leave counts as service for all purposes.

Entitlements

- 4.3.9. Under the [ML Act](#), eligible employees are entitled to up to 52 weeks absence from duty, calculated from the commencement of the [mandatory absence period](#).
- 4.3.10. For the purposes of calculating absence periods, a week is a calendar week of seven days including weekends and public holidays.
- 4.3.11. Eligible employees may access up to 12 weeks paid maternity leave under the [ML Act](#).
- 4.3.12. Employees who are eligible for paid maternity leave under the ML Act are also eligible for an additional two weeks paid leave under clause 4.54 of the [WD](#). The additional two weeks must be taken immediately after the paid period of maternity leave, providing a total of up to 14 weeks paid maternity leave for eligible employees.

Transfer to a safe job

- 4.3.13. In line with section 81 of the [FW Act](#), all pregnant employees, including casual employees and other employees not eligible for unpaid parental leave, are entitled to transfer to a safe job if it

OFFICIAL

would not be suitable for the employee to continue their ordinary duties during an identified 'risk period' because of:

- illness, or risks, arising from the pregnancy or
- hazards connected with the position.

4.3.14. When requesting transfer to a safe job, employees are required to provide supporting evidence, such as medical documentation, that clearly outlines the associated risks if the employee were to remain in their current role, and the duration of the 'risk period'.

4.3.15. Where there is an appropriate safe job, the transfer must be facilitated with no change to the employee's terms and conditions of employment for the duration of the identified 'risk period'.

4.3.16. An employee who has an identified 'risk period' supported by medical evidence must not be required to undertake their ordinary duties during the identified 'risk period' and must be provided with a transfer to a safe job.

No appropriate safe job

4.3.17. If there is no appropriate safe job available and the employee is entitled to unpaid parental leave, the employee will be paid no safe job leave for the duration of the 'risk period'. This is recorded as 'miscellaneous leave with pay - no safe job leave'.

4.3.18. Employees on 'miscellaneous leave with pay - no safe job leave' will be entitled to:

- base rate of pay for their ordinary hours of work and
- the leave will count as service

for the duration of the identified 'risk period', or until such time as a safe job becomes available.

4.3.19. For a casual employee, 'miscellaneous leave with pay - no safe job leave' is paid at the base rate of pay (not including the casual loading) for the average number of hours they would have worked for the duration of the identified 'risk period', or until such time as a safe job becomes available.

4.3.20. 'Miscellaneous leave with pay - no safe job leave' cannot be entered beyond the commencement of the [mandatory absence period](#), unless the employee provides medical certification certifying that they are fit for duty during this period.

4.3.21. If at the commencement of the [mandatory absence period](#), the employee provides medical evidence stating they are fit for duty, and there continues to be no safe job available, the 'miscellaneous leave with pay - no safe job leave' will continue provided recertification of fitness for duty is provided in two week blocks.

- Where medical evidence is not provided to establish fitness for duty on commencement of the mandatory absence period, the employee's maternity leave will commence immediately. Payment will be as per the leave request for this type of leave.

4.3.22. If at any time an employee is absent on 'miscellaneous leave with pay - no safe job leave' and an appropriate safe job becomes available, the employee will be required to recommence duty within 48 hours of being notified in writing of the safe job.

- Where a safe job is notified to the employee, the notification will outline the duties to be performed.
- If the employee has any concerns about the proposed duties they should discuss their concerns with their manager and their medical practitioner.

4.3.23. If the employee provides medical evidence that they are not fit to recommence duty in the safe job, and that evidence does not clearly and reasonably identify why the job is not considered to be a 'safe job', the employee will be deemed not fit for duty and the entitlement to

OFFICIAL

'miscellaneous leave with pay - no safe job leave' will cease.

- Where an employee is deemed not fit for duty, they will be required to apply for another appropriate leave type until such time as the mandatory absence period commences.

4.3.24. Employees who are not entitled to unpaid parental leave can take unpaid 'miscellaneous leave - no safe job leave' in accordance with section 82A of the FW Act.

Documentary evidence requirements

4.3.25. Before applying for maternity leave, the employee must ensure they are able to provide documentary evidence from a medical practitioner to support their application. The documentary evidence must state the EDC.

Applying for maternity leave

Step	Details
1	<ul style="list-style-type: none">• Advise the manager and discuss leave arrangements
2	<ul style="list-style-type: none">• Provide medical documentation through Support Connect to allocate the leave entitlement.
3	<ul style="list-style-type: none">• Enter the leave in easySAP for manager approval.

Mandatory absence period

4.3.26. The [ML Act](#) specifies a mandatory absence period during which pregnant employees must not work. However, an employee may work during this period if satisfactory medical evidence is provided to support this, see clause 4.3.28 below.

4.3.27. The mandatory absence period commences six weeks before the EDC and ceases six weeks after the birth of the child.

- Where the EDC and actual birth date of the child do not align, the six week mandatory absence period following the birth of the child commences from the date the child is born.
- The combined 14 weeks paid maternity leave entitlement under the [ML Act](#) and the [WD](#) commences from the date the employee commences maternity leave.

Example

Lila is eligible for paid maternity leave. She is due to give birth on 1 March 2019, so her mandatory absence period commences on 18 January 2019 and she commences paid maternity leave on this date.

The child is not born until 8 March 2019. Lila will continue to be paid maternity leave until 25 April 2019 i.e. 14 weeks from the date she commenced maternity leave. However, the second six week mandatory absence period is extended until 18 April 2019 i.e. six weeks after the birth of the child.

4.3.28. Employees may only work during the mandatory absence period where they have provided medical certification of their fitness for duty until or from a specified date. Medical certificates covering employees should not be for more than two weeks between review periods. This means employees may be required to provide more than one medical certificate during the mandatory absence period where they have elected to be at work.

4.3.29. The commencement and cessation of the mandatory absence period can only be altered for the period covered by the medical certificate. Without a supporting medical certificate, the dates of the mandatory absence period cannot be altered and the employee must cease working.

4.3.30. If the child is born before the mandatory absence period commences and the employee is eligible for paid maternity leave, the 14 week payment period will commence on the date of birth of the child.

OFFICIAL

4.3.31. The mandatory absence period may be paid or unpaid as outlined below:

If the employee has:	then
completed 12 months of continuous ¹ APS service at the commencement of the mandatory absence period	the employee is entitled to paid maternity leave for up to 12 weeks (including the mandatory absence period) and an additional two weeks under the WD . <ul style="list-style-type: none">The 14 weeks paid leave counts as service for all purposes.Payment may be spread over a period of up to 28 weeks but only the first 14 weeks paid leave counts as service for all purposes.
less than 12 months of continuous APS service at the commencement of the mandatory absence period	the mandatory absence period is unpaid. However, 12 weeks will count as service for all purposes. <ul style="list-style-type: none">If the 12 month qualifying period falls during the mandatory absence period, the leave will be paid from that point forward. Refer to the example at clause 4.3.8 above.Employees may access other paid leave during this period, where the appropriate paid leave entitlements are available and provided leave taken is in accordance with the requirements of that leave.

¹ Service must be strictly continuous i.e. no breaks between one period of employment and the next period of employment. Breaks in employment of one working day or more negate any prior service and the 12 month qualifying period must recommence.

Illness prior to the mandatory maternity leave period

4.3.32. Employees who experience pregnancy related illness prior to the commencement of the mandatory absence period may access personal leave until the mandatory absence period commences.

4.3.33. Where employees do not have personal leave credits available, they are entitled to unpaid special maternity leave under section 80 of the [FW Act](#) or may seek to use other paid leave credits.

4.3.34. Special maternity leave is available if a female employee is not fit for work during a period because she has a pregnancy related illness, or she has been pregnant or the pregnancy ends after a period of 12 weeks otherwise than by birth of a child.

4.3.35. Employees wishing to request special maternity leave must advise their manager as soon as practicable (even if this is after the leave has commenced) and indicate how long they expect to be on special maternity leave.

4.3.36. Employees requesting special maternity leave must also provide documentary medical evidence to support this absence.

4.3.37. Requests for special maternity leave should be sent to [Support Connect](#) with the manager's endorsement and medical evidence.

Example:

Sheena is 32 weeks pregnant and is suffering with pre-eclampsia requiring hospitalisation. She will not be able to return to work prior to the delivery of the child. Sheena only has a week of personal leave credits. Therefore, Sheena takes a week of personal leave and the remainder of the period up until the mandatory absence period as unpaid special maternity leave. Once the mandatory absence period commences Sheena will be on paid maternity leave.

OFFICIAL

Leave during the mandatory absence period when certified fit for duty

- 4.3.38. Employees who have provided a medical certificate certifying them fit for duty during the mandatory absence period may use personal leave providing that the illness/injury is not related to the pregnancy (e.g. a cold). A manager may request that the employee provide medical evidence to support the personal leave application. For further information see [Unplanned Leave – Procedural Instruction \(HR-4751\)](#).
- 4.3.39. If the illness is pregnancy related, the employee will be required to commence maternity leave and the mandatory absence period will commence from the beginning of the leave relating to that illness.
- 4.3.40. Employees may also access annual leave or long service leave (LSL) during the mandatory absence period if they have a medical certificate which specifies they are fit for duty. The approval of leave is subject to usual approval considerations such as operational requirements.

Access to other leave while on mandatory absence

- 4.3.41. Other paid leave cannot be accessed during the mandatory absence period where the employee is receiving paid maternity leave entitlements, including where payments have been spread over a period of up to 28 weeks.
- 4.3.42. Employees on unpaid maternity leave during the mandatory absence period may access other paid leave.

Example

Margaret is on maternity leave without pay during the mandatory absence period. She requests annual leave during this period. Her supervisor is able to approve the leave.

Loss of pregnancy

- 4.3.43. The following provisions apply to a lost pregnancy:

Timing	Leave options
Miscarriage before a period of 20 weeks gestation	<ul style="list-style-type: none">Employees who experience miscarriage before a period of 20 weeks of gestation may access three days paid bereavement leave.
Within 20 weeks of the expected date of birth (i.e. at least 20 weeks gestation)	<p>The employee is:</p> <ul style="list-style-type: none">covered by the full provisions of the ML Acteligible for up to 52 weeks of maternity leave including paid maternity leave (if eligible)required to be absent during the mandatory period, which will be taken to be the date the pregnancy terminated and is for a period of 12 weeks.<ul style="list-style-type: none">The employee will be required to provide a medical certificate to return to duty within the mandatory absence period.

- 4.3.44. The [FW Act](#) also includes paid and unpaid parental leave provisions for parents who experience traumatic events during or after their pregnancy including:
- stillbirth
 - premature birth
 - death of a child.

OFFICIAL

4.3.45. Refer to [section 4.6 - Unpaid parental leave](#) for further information.

Access to other leave while on unpaid maternity leave

4.3.46. Employees may access other paid leave while on unpaid maternity leave:

Type of leave	Access
Annual leave	<ul style="list-style-type: none">May be taken at any time during unpaid maternity leave and can be taken at half pay.
LSL	<ul style="list-style-type: none">May be taken at any time during unpaid maternity leave, providing the leave request meets the eligibility requirements for accessing and using LSL.
Purchased leave	<ul style="list-style-type: none">May be taken at any time during unpaid maternity leave.
Personal leave for illness or injury	<ul style="list-style-type: none">Must be for personal illness or injury and must be supported by a medical certificate.
Compassionate/ bereavement leave	<ul style="list-style-type: none">May be taken where a member of the employee's family or household contracts an illness or sustains an injury that poses a serious threat to his or her life, or dies.The delegate may request evidence to support the application for this type of leave.
Personal leave for caring purposes	<ul style="list-style-type: none">Employees may not access personal leave for caring purposes in relation to the child for which they have taken unpaid maternity leave. However, they may access personal leave for caring purposes for other members of their family or household (e.g. other children, their partner, parents etc.). Applications for leave of this type must be supported by a medical certificate.

Employees on LWOP

4.3.47. Employees who have been granted LWOP for six weeks or less and become pregnant before or during the LWOP retain the relevant entitlements under the [ML Act](#).

4.3.48. Under sub-sections 6(4F) and 6(4G) of the [ML Act](#), employees who:

- have had more than six weeks of LWOP approved (including unpaid maternity or unpaid parental leave) and
- have taken at least six weeks of that LWOP

are not eligible for maternity leave, unless the Secretary otherwise determines, until the end of the approved period of LWOP **whether or not** they resume duty.

4.3.49. Under the provisions of the [ML Act](#), even if the employee chooses to return to duty prior to the originally approved LWOP end date, they are not eligible for maternity leave until the original period of the approved LWOP expires.

4.3.50. Employees are still required to observe the mandatory absence period commencing six weeks before the expected date of the birth of the child.

4.3.51. Eligibility for paid leave is only for the period, if any, between the expiration of the LWOP and 12 weeks after the mandatory absence date.

OFFICIAL

- 4.3.52. This means that while the employee is not actually on duty, the mandatory absence periods must still be calculated to determine eligibility, if any, for maternity leave, either paid or unpaid.

Example 1

Jemima accompanied her spouse on an overseas posting and leave without pay was approved from 01/01/2019 until 31/12/2020. Jemima notifies her manager that she is pregnant with an expected date of birth of 01/01/2021. Jemima's mandatory period of absence commences on 20/11/2020 (i.e. six weeks before the expected date of birth).

However, as she is on a period of approved LWOP until 31/12/2020 she will not be eligible for any maternity leave (paid or unpaid) until 01/01/2021 (being the date after the expiration of LWOP).

On 01/01/2021 Jemima will be eligible for six weeks of paid maternity leave plus an additional two weeks of paid leave under the [WD](#).

She is eligible for unpaid maternity leave for up to 52 weeks, calculated from 21/11/2020.

Example 2

Gwen is on an extension to her unpaid maternity leave which is due to cease on 26/01/2021. She subsequently becomes pregnant with an expected date of birth of 03/02/2021.

Gwen's mandatory absence period will commence on 23/12/2020. She will not be eligible for maternity leave until 27/01/2021 (the day after the LWOP ceases). The child is born on 10/02/2021.

Gwen will be eligible for paid maternity leave from 27/01/2021 (i.e. cessation of her LWOP) until 30/03/2021 (14 weeks from the commencement of the mandatory absence period).

She will be eligible for unpaid maternity leave for 52 weeks from 23/12/20 (i.e. the commencement of the mandatory absence period). Gwen will also be eligible to apply for an additional extension to her unpaid parental leave (in relation to her second child) of another 12 months under the [FW Act](#).

Extending maternity leave

- 4.3.53. Eligible employees may request an additional 12 months unpaid leave under the [FW Act](#), up to a maximum period of 24 months total of paid and unpaid leave relating to the pregnancy. Refer to [additional unpaid parental leave](#) for further information.

Returning to work

- 4.3.54. Under the [ML Act](#), an employee may request to resume duty:
- prior to the end of the six week mandatory absence period after the birth of the child (see clause 4.3.57 below); or
 - at any time after the mandatory absence period but prior to the end of the approved leave period (see clause 4.3.60 below).
- 4.3.55. The request should be submitted through the employee's manager, who must indicate whether they support the recommencement of duty, and then forwarded to [Support Connect](#) for consideration by the delegate.
- 4.3.56. These requests are considered by a People and Culture Division delegate.

Request to resume duty during the mandatory absence period

- 4.3.57. An employee may recommence duty during the mandatory absence period after the child has been born if:

OFFICIAL

- they submit an application to the delegate to return to work with a medical certificate stating fitness to resume duty on a specified date; and
- the delegate provides written approval for the employee to recommence on that date within seven business days of receipt of the request.

4.3.58. The request should be submitted through the employee’s manager, who must indicate whether they support the recommencement of duty within two business days of receipt of the request, and then forwarded to [Support Connect](#) for consideration by the delegate.

4.3.59. Where an employee is granted permission to resume duty prior to the end of the mandatory absence period, they are still entitled to maternity leave (including any remaining paid component) until the end of the 52 week period, which commenced from the start of their mandatory absence period.

Request to resume duty after mandatory absence period

4.3.60. An employee may recommence duty early (i.e. prior to the end of the 52 week period) but after the mandatory absence period if:

- they submit a written request specifying the date they wish to resume duty; and
- the delegate provides written approval for the employee to recommence on that date within seven business days of receipt of the request.

4.3.61. The request should be submitted through the employee’s manager, who must indicate whether they support the recommencement of duty within two business days of receipt of the request, and then forwarded to [Support Connect](#) for consideration by the delegate.

4.3.62. Where an employee is granted permission to resume duty they are still entitled to unpaid maternity leave until the end of the 52 week period which commenced from the start of their mandatory absence period.

Superannuation contributions

4.3.63. The following table details the options for making superannuation contributions to the CSS, PSSdb or PSSap schemes while on maternity leave.

Type of leave	Contributions
CSS and PSSdb	
Mandatory 12 weeks full pay maternity leave under the ML Act and the additional two weeks paid leave under the WD (total of 14 weeks)	Employee and employer required to make contributions.
14 weeks as above, with payment spread over a period of up to 28 weeks	For the first 14 weeks - employee and employer required to make contributions. After the first 14 weeks - employee may elect to make contributions. If the employee elects to make contributions, they cannot choose to contribute 0%. Any election to contribute must be made before the payday – no back dating is permitted. Employer is required to make contributions.
Other forms of paid leave during the 12 month maternity leave period	Employee and employer required to make contributions.
Unpaid maternity leave, including the 12 week mandatory period if the employee is not	Employee may elect to make contributions. If the employee elects to make contributions, they cannot

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Type of leave	Contributions
eligible for paid maternity leave	choose to contribute 0%. Any election to contribute must be made before the payday – no back dating permitted. Employer required to make contributions.
PSSap	
Paid or unpaid maternity leave or unpaid parental leave	Employee may elect to make contributions. Employer required to make contributions.

- 4.3.64. Where an employee has a period of paid leave during unpaid maternity leave or unpaid parental leave and the paid leave falls on the payday, employee contributions are required to be made. Contributions are for full fortnights regardless of the period of paid leave in the fortnight e.g. two days out of the fortnight.
- 4.3.65. For more information about superannuation contributions visit the Commonwealth Superannuation Corporation website (www.csc.gov.au) or submit a query through the [Support Connect portal](#).
- 4.3.66. Employees making superannuation contributions under Super Choice must contact their relevant superannuation fund provider to discuss contribution requirements for periods of paid or unpaid leave.

4.4. Supporting partner leave

Eligibility

- 4.4.1. Employees are eligible to take paid supporting partner leave where they:
- have completed at least 12 months continuous service with the APS
 - have become a new parent, either through the birth of their child (or their partner's child) or adoption/permanent fostering of a child (or their partner's child) and
 - are not eligible for paid maternity leave or adoption/foster leave.

Entitlements

- 4.4.2. Eligible employees are entitled to four weeks paid supporting partner leave under clause 4.59 of the WD, which must be taken in one continuous period from the date of the birth or placement of the child, noting that there may be [exceptional circumstances](#) where this is not possible.
- 4.4.3. Weekends, public holidays and rostered days off (RDOs) that fall during a period of supporting partner leave are incorporated into the period of leave, consistent with the arrangements for maternity leave and adoption/foster leave.

Exceptional circumstances

- 4.4.4. Delayed commencement of supporting partner leave will be approved in the following exceptional circumstances, noting that in line with notification and planning requirements, managers and employees should have discussed planned leave arrangements as soon as reasonably practical after the employee became aware they may be seeking a type of parental leave.

Sea-going marine employees

- 4.4.5. For sea-going marine unit employees who are deployed on a sea-going vessel at the time of the birth or placement of their child, leave will commence as soon as practicable after the birth or placement of the child.

OFFICIAL

- Where the child is born or placed while the sea-going marine employee is on patrol and Marine Workforce Capability Branch can accommodate an early departure from the vessel, the leave will commence on return to their home location.
- Where the child is born or placed on a rostered day off, the leave will commence from the next scheduled patrol commencement date.
- Where a sea-going marine employee elects to spread the four week payment over a period of eight weeks, a maximum of four weeks paid supporting partner leave will count as service, including for the purpose of the duty days count.
- Sea-going commuted allowance (CMA) is payable for the first 18 days of supporting partner leave in accordance with clause 10.46(f) of the [WD](#), provided an employee has not taken any other form of leave (excluding annual and Defence Reserve leave) where CMA was paid.

Border Force Officer recruits

- 4.4.6. ABF officers who are undertaking the mandatory 12 week Border Force Officer Recruit Training (BFORT) program at the time of the birth or placement of the child will commence supporting partner leave following the completion of the 12 week mandatory training period.

Other

- 4.4.7. The Department may consider options for other staff who experience exceptional circumstances at the time their supporting partner leave is due to commence.

Requesting alternative commencement of supporting partner leave in exceptional circumstances

- 4.4.8. All employees - including for sea-going marine employees and those undertaking the BFORT program - must submit a request for an alternative commencement of supporting partner leave in exceptional circumstances through [Support Connect portal](#) with manager endorsement for FAS People and Culture Division delegate approval.
- 4.4.9. Employees who are seeking to delay the commencement of supporting partner leave for other reasons must also submit a business case providing details of the circumstances through the [Support Connect portal](#) with manager endorsement for consideration by FAS People and Culture Division.

Documentary evidence required

When applying for supporting partner leave, employees are required to provide evidence such as documentation from a medical practitioner providing the EDC*, or adoption/fostering or other relevant papers.

* A copy of the birth certificate should be provided to Support Connect when received for record keeping and audit purposes.

Applying for supporting partner leave

Step	Details
1	<ul style="list-style-type: none">• Advise the manager and discuss leave arrangements.
2	<ul style="list-style-type: none">• Provide medical documentation through Support Connect to allocate the leave entitlement.
3	<ul style="list-style-type: none">• Enter the leave in easySAP for manager approval.

OFFICIAL

Payment of supporting partner leave

- 4.4.10. Pursuant to clause 4.60 of the WD, supporting partner leave may be taken at full pay over four weeks **or** payments may be spread over a period of up to eight weeks (see clause 4.4.13 below).
- 4.4.11. Employees on overseas postings must take supporting partner leave at full pay over the four weeks. Refer to the [Overseas Conditions of Service - Policy Statement \(HR-2158\)](#) for further information.
- 4.4.12. Where an employee elects to spread the four week payment over a period of up to eight weeks, a maximum of four weeks paid supporting partner leave will count as service.
- 4.4.13. Paid entitlements are four calendar weeks for all staff irrespective of actual hours worked (or up to eight calendar weeks if pro-rated).

Access to other leave while on supporting partner leave

- 4.4.14. Employees cannot access other leave while on paid supporting partner leave.
- 4.4.15. Before commencing or after paid supporting partner leave, leave may be taken as follows:

Type of leave	Access
Annual leave Purchased leave LSL	May be used before or after supporting partner leave subject to meeting the eligibility requirements for taking the leave, including consideration of the employee's personal circumstances and operational requirements. Annual leave can be taken at half pay.
Personal leave Compassionate/bereavement leave	Not available during paid or unpaid periods of supporting partner leave.

Unpaid supporting partner leave

- 4.4.16. Under the [FW Act](#) and [WD](#), eligible employees may take up to 52 weeks unpaid parental leave as unpaid supporting partner leave.
- 4.4.17. To be eligible for unpaid supporting partner leave, the employee must:
- have completed at least 12 months continuous service with the APS
 - have become a new parent, either through birth or adoption/permanent fostering, and
 - be the primary care giver for the child*
- *Note: where both partners wish to take leave under the [FW Act](#), a period of concurrent leave can be taken. Refer to [Employee couples taking unpaid parental leave](#) for further information.
- 4.4.18. The leave can commence any time within 12 months after the birth or placement of the child if:
- the employee has responsibility for the care of the child
 - their partner is not an employee of the Department, and
 - their partner has responsibility for the care of the child for the period between the date of birth or placement and the start date of the unpaid parental leave.
- 4.4.19. Approval of paid leave during a period of unpaid supporting partner leave is not considered to break the continuity of the period of leave.

Extending unpaid supporting partner leave

- 4.4.20. Eligible employees may request an additional 12 months unpaid supporting partner leave, up to

a maximum period of 24 months after the birth or placement of the child. Refer to [additional unpaid parental leave](#) for further information.

Superannuation contributions

4.4.21. The following table details the options for making employee superannuation contributions to the CSS, PSSdb or PSSap while on supporting partner leave.

Type of leave	Contributions
Four weeks full pay and eight weeks half pay supporting partner leave period.	Employer and employee is required to make contributions.

4.4.22. For more information about superannuation contributions visit the Commonwealth Superannuation Corporation website (www.csc.gov.au) or submit a query through the [Support Connect portal](#).

4.4.23. Employees making superannuation contributions under Super Choice must contact their relevant superannuation fund provider to discuss contribution requirements for periods of paid or unpaid leave.

4.5. Adoption/foster leave

Eligibility

4.5.1. Employees are eligible to take adoption/foster leave where they:

- have completed 12 months continuous service with the APS
- adopt or foster a child on permanent placement, and
- are the child's primary caregiver.

4.5.2. For the purposes of eligibility for adoption/foster leave, the child adopted by the employee or placed in permanent foster care must:

- be 16 years of age or younger at the date or expected date of the placement
- have not lived with the employee for a period of six months or more at the date, or the expected date, of the placement
- not (otherwise than because of the adoption or foster care arrangement) be a child of the employee's partner.

4.5.3. Adoption/foster leave must be taken in a single continuous period from the date of placement of the child.

Entitlements

Paid entitlement

4.5.4. Eligible employees are entitled to up to 14 weeks of paid adoption/foster leave, commencing on the day of the placement of the child.

4.5.5. Paid adoption/foster leave may be varied and spread over a maximum period of up to 28 weeks. However, only the first 14 weeks will count towards service.

4.5.6. Employees on overseas postings must take adoption/foster leave at full pay for a maximum period of up to 14 weeks. Refer to the [Overseas Conditions of Service - Policy Statement \(HR-2158\)](#) for further information.

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Unpaid entitlement

- 4.5.7. In addition to the paid entitlement, employees can take up 52 weeks of unpaid adoption/foster leave. This leave is provided for by way of unpaid parental leave under the [FW Act](#) and commences from the date of placement of the child. It must be taken in one continuous period.
- 4.5.8. Employees are also entitled to up to two days of unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the employee's adoption of the child. Unpaid pre-adoption leave can be taken as a single continuous period of up to two days or any separate periods to which the employee and the Department agree.
- 4.5.9. The employee may also access their own paid leave credits (e.g. annual leave, purchased leave) or flex during a period of unpaid adoption/foster leave (refer to [Access to other leave while on adoption/foster leave](#)).

Documentary evidence required

- 4.5.10. Employees must provide official documentation certifying the adoption/fostering arrangement.
- 4.5.11. Official documentary evidence must support applications for adoption/foster leave and be from the relevant person/organisation/agency with statutory responsibility for the placement of the child and include the following information:
- the date or expected date of placement
 - the age of the child to be placed
 - the relationship of the child to the employee or the employee's partner (where relevant); and
 - whether the child has previously lived with the employee for a period of six months or more at the date or expected date of placement.
- 4.5.12. Copies of the relevant documentation will be retained on the employee's personal file.

Applying for adoption/foster leave

- 4.5.13. To apply for adoption/foster leave:

Step	Details
1	<ul style="list-style-type: none">• Advise the manager and discuss leave arrangements.
2	<ul style="list-style-type: none">• Provide supporting documentation through Support Connect to allocate the leave entitlement.
3	<ul style="list-style-type: none">• Enter the leave in easySAP for manager approval.

Unpaid adoption/foster leave

- 4.5.14. Under the [FW Act](#) and [WD](#), eligible employees may take up to 52 weeks unpaid parental leave as unpaid adoption/foster leave.
- 4.5.15. To be eligible for unpaid adoption/foster leave, the employee must have:
- completed at least 12 months continuous service with the APS
 - become a new parent through adoption/permanent fostering and
 - responsibility for the care of the child.*
- *Note: where both parents wish to take leave under the [FW Act](#), a period of concurrent leave can be taken. Refer to [Adoption/foster leave for employee couples](#).

OFFICIAL

- 4.5.16. The leave must commence upon the placement of the child or at any time within 12 months of the placement of the child if:
- the employee has responsibility for the care of the child
 - their partner is not an employee of the Department
 - their partner has responsibility for the care of the child for the period between the date of placement and the start date of the unpaid parental leave.

Adoption/foster leave for employee couples

- 4.5.17. Where a couple who both work for the Department adopt or permanently foster a child, they must define who the nominated primary care giver is and who the secondary care giver is.
- The primary care giver will be entitled to up to 14 weeks paid adoption/foster leave commencing at the date of placement of the child.
 - The secondary care giver will be entitled to four weeks paid supporting partner leave commencing at the date of placement of the child.
- 4.5.18. Both employees may take unpaid adoption/foster leave concurrently for a maximum period of eight weeks and in separate periods of at least two weeks. Each employee in the couple may take up to 12 months unpaid adoption/foster leave. However, the total unpaid adoption/foster leave for the employee couple is 24 months. Generally this leave must be taken in a single continuous period.
- 4.5.19. The maximum 24 month period is inclusive of all paid and unpaid leave taken by both parents.
- 4.5.20. Parental leave, whether adoption/foster leave or supporting partner leave, must commence on the date of the placement of the child.

Example

Chris and Pat both work for the Department and adopt a child. Chris is initially the primary care giver and takes 14 weeks paid adoption leave and an additional 2.5 months on unpaid adoption leave. Pat is able to access four weeks supporting partner leave at the time of the adoption.

After six months, Chris returns to work and Pat is the primary caregiver. Pat can take six months unpaid adoption leave immediately following the end of Chris' leave.

Access to other leave while on adoption/foster leave

- 4.5.21. While an employee is on paid adoption/foster leave, other paid leave cannot be accessed, including where payments have been spread over a period of up to 28 weeks.
- 4.5.22. During a period of unpaid adoption/foster leave, an employee may access other appropriate paid leave entitlements (annual leave, purchased leave and LSL) excluding personal leave and compassionate/bereavement leave, which are not available during periods of paid or unpaid adoption/foster leave.

Type of leave	Access
Annual leave Purchased leave LSL	May be used before or after paid adoption/foster leave subject to meeting the eligibility requirements for taking the leave, including consideration of the employee's personal circumstances and operational requirements.
Personal leave Compassionate/bereavement leave	Not available during paid or unpaid periods of supporting partner leave.

- 4.5.23. All paid leave (including paid adoption foster leave and other paid leave) counts towards the

OFFICIAL

maximum 24 months of unpaid adoption/foster leave that may be taken following the placement of the child.

Access to adoption/foster leave while on leave without pay (LWOP)

- 4.5.24. The Department's policy on access to paid adoption/foster leave is to ensure consistency with the provisions of the [ML Act](#) in relation to employees on LWOP (refer to [Employees on LWOP](#)).
- 4.5.25. Employees who have been granted LWOP for six weeks or less and who become eligible for adoption/foster leave will retain the relevant entitlements under the [WD](#). LWOP may be replaced with paid adoption/foster leave from the placement date of the child.
- 4.5.26. Employees who:
- have had more than six weeks of LWOP approved (including unpaid parental leave) and
 - who have taken at least six weeks of that LWOP
- are not eligible for paid adoption/foster leave until the end of the approved period of LWOP regardless of whether they resume duty.
- 4.5.27. If the employee chooses to return to duty early, they will still not be eligible for adoption/foster leave until the original period of the approved LWOP expires.

Extending adoption/foster leave

- 4.5.28. Eligible employees may request an additional 12 months unpaid adoption/foster leave, up to a maximum period of 24 months for all paid and unpaid leave relating to the adoption/permanent fostering arrangement. Refer to [additional unpaid parental leave](#) for further information.

4.6. Surrogacy arrangements

Eligibility

- 4.6.1. This section applies to Departmental employees who enter into a valid surrogacy arrangement with another person who:
- becomes pregnant with the intention of the employee and/or their partner or spouse assuming full and legal parentage of the child, and
 - gives birth to a child.
- 4.6.2. There are State and Territory laws which prohibit commercial surrogacy arrangements or make it an offence to do particular acts associated with commercial surrogacy. This includes offshore commercial surrogacy arrangements. This section therefore does not apply to Departmental employees involved in unlawfully procuring a commercial surrogacy.
- 4.6.3. In order to be eligible for the provisions outlined below, the employee must:
- have completed at least 12 months continuous service with the APS
 - not be eligible for any other paid parental leave provisions under the [WD](#) or the [ML Act](#), and
 - must be the primary caregiver for the child.

Note - employees who act as a surrogate and give birth to a child are covered by the [ML Act](#) and will be eligible for relevant entitlements outlined at [section 4.3 - Maternity Leave](#).

Provisions

- 4.6.4. Eligible employees who enter into a valid surrogacy arrangement will be provided with 14 weeks

OFFICIAL

miscellaneous leave with pay under clause 4.44 of the WD subject to relevant delegate approval and presentation of satisfactory documentary evidence including (but not limited to):

- a valid surrogacy arrangement that identifies the employee as a party to the agreement
- a copy of the relevant State or Territory application for parentage orders or, if available, a copy of the formal parentage orders issued by the relevant State or Territory court or authority transferring legal parentage to the employee
- medical evidence of the surrogate's due date of birth, and
- where applicable, evidence to confirm that the employee's partner is not eligible for paid leave provisions under the ML Act or adoption/foster leave provisions.

4.6.5. Copies of the relevant documentation will be retained on the employee's personal file.

4.6.6. Employees must send their request through Support Connect with supporting documentary evidence for the FAS People and Culture Division's review and approval of the leave.

4.6.7. Where miscellaneous leave with pay is approved by the delegate, it will commence on and from the date that they have full parental rights for the child in accordance with the relevant documentation (e.g. a parentage order, birth certificate or other legal certification).

4.6.8. The leave must be taken in one continuous period and any weekends and public holidays will be subsumed within the approved paid leave period.

4.6.9. Additionally, where the employee or their partner is not eligible for unpaid parental leave under the [WD](#) or other legislation (e.g. the [FW Act](#)), the relevant delegate may approve unpaid miscellaneous leave (LWOP) of up to 12 months from the date the child was placed in the permanent care of the employee where the employee is the primary caregiver.

4.6.10. The delegate may approve an additional 12 months LWOP to a total of 24 months absence from the date the leave originally commenced.

4.6.11. Employees who are unable to provide satisfactory supporting documentation of the valid surrogacy arrangement will be required to use their own leave credits (e.g. annual, LSL, purchased leave) until such time as documentation is submitted for the delegate's review:

- The 14 week provision of paid miscellaneous leave will be calculated from the date the child was placed in the employee's care. Employees will be eligible to take any residual paid component from the date the documentation was provided. Other leave credits used prior to this date will not be re-credited.
- Miscellaneous leave without pay may still be requested and considered by the relevant delegate in line with [Planned Leave - Procedural Instruction \(HR-4570\)](#).

4.7. Unpaid parental leave

Eligibility

4.7.1. To be eligible for unpaid parental leave, an employee must have 12 months continuous service with the APS.

4.7.2. Unpaid parental leave under the NES provides:

- unpaid adoption/foster leave for up to 12 months
- unpaid supporting partner leave for up to 12 months
- extensions to initial 12 month periods of unpaid adoption/foster leave, unpaid supporting partner leave and unpaid maternity leave, or
- unpaid leave for parents who experience traumatic events during or after their pregnancy.

OFFICIAL

- 4.7.3. Where an employee's partner is on maternity leave (paid or unpaid) under the [ML Act](#), the [FW Act](#) provisions relating to one employee taking unpaid parental leave apply i.e.
- the employee must be the primary care giver
 - other paid leave can be taken at the same time as the unpaid parental leave.
- 4.7.4. Employees may be required to provide evidence (e.g. a statutory declaration) that they are the child's primary care giver and therefore eligible to take unpaid parental leave under the [FW Act](#).
- 4.7.5. Casual employees are eligible for unpaid parental leave in accordance with the [FW Act](#) where:
- the employee has been working for the Department as a regular casual employee for a sequence of periods of at least 12 months, and
 - there was a reasonable expectation of continuing to work for the Department on a regular and systematic basis, had it not been for the birth or adoption of a child.

Accessing other paid leave during unpaid parental leave

- 4.7.6. During a period of unpaid parental leave, employees can access certain paid leave types where they have balances available, such as annual leave (full or half pay), purchased leave and/or LSL (full or half pay).
- 4.7.7. The combination of paid and unpaid leave taken within the first 24 months from the birth or placement of the child is included in the maximum 24 month period of unpaid parental leave available.
- 4.7.8. The granting of other types of paid leave during a period of unpaid parental leave under the [FW Act](#) must be in accordance with the eligibility requirements for that type of leave.

Example

A request for LSL must:

- be for a minimum period of seven days at full pay or 14 days at half pay, and
- cannot be broken by weekends, public holidays or other periods of leave, including unpaid parental leave (i.e. must be taken in one continuous period).

- 4.7.9. For further information on using other leave with unpaid maternity leave under the [ML Act](#), refer to clause 4.3.46 - Access to other leave while on unpaid maternity leave.

Leave patterns on unpaid parental leave provided by the [FW Act](#)

- 4.7.10. A variety of leave patterns, combining unpaid parental leave with other types of paid leave at full or half pay, including LSL (minimum of 14 days half pay or seven days full pay), may be approved provided that:
- LSL is taken in one continuous period, and meets the minimum periods for taking LSL, including the continuous period where LSL is taken as a combination of full and half pay.
 - Annual leave at half pay, LSL and purchased leave all count for service. This means annual leave credits accrue during the other paid leave absences. Annual leave can be taken more than once during the unpaid parental leave period where credits are available.
- 4.7.11. Leave patterns that cannot be approved are those that include LSL:
- broken by another period of discretionary leave under the [WD](#), or
 - broken by a public holiday,
- even where the minimum periods for taking LSL are met.
- 4.7.12. Refer to the [Planned leave – Procedural Instruction \(HR-4750\)](#) for further information.

Notification and planning requirements

- 4.7.13. Employees should advise their manager and discuss planned leave arrangements as soon as practicable after becoming aware that they will be applying for a type of parental leave, including the expected date of birth or placement of the child.
- 4.7.14. Managers are expected to plan for and incorporate absences into their operational business plans for notified periods of unpaid parental leave. Managers should also consider options for reasonable adjustment to duties, where relevant. In some circumstances, a pregnant employee will be entitled to transfer to a different role or take 'miscellaneous leave with pay - no safe job leave'. See clauses 4.3.17- 4.3.24 No appropriate safe job.
- 4.7.15. The Department recognises that some flexibility is required on behalf of business areas as expected dates may vary slightly from the anticipated birth and available childcare placement dates.

Employee couples taking unpaid parental leave

- 4.7.16. Each employee in the couple may take up to 12 months unpaid parental leave. However, the total unpaid parental leave for the employee couple is 24 months. Generally unpaid parental leave must be must be taken separately in a single continuous period by each employee.
- 4.7.17. If the employee who takes leave first is pregnant or gives birth, they may start their unpaid parental leave up to six weeks before the expected date of birth, or earlier if agreed by the Department.
- 4.7.18. If the employee who takes leave first is not pregnant, their leave must start on the date of birth or placement of a child.
- 4.7.19. Both employees of an employee couple may take unpaid parental leave concurrently for a maximum period of eight weeks. This leave must be taken within 12 months of the birth or adoption of a child. The concurrent leave may be taken in separate periods. Each period must be no shorter than two weeks unless the employer agrees.
- 4.7.20. Paid leave, such as annual leave, may be taken at the same time as unpaid parental leave.

Additional unpaid parental leave

- 4.7.21. Employees may request additional unpaid parental leave under the [FW Act](#) to extend their leave up to a maximum period of two years after the birth or placement of the child.
- 4.7.22. The additional unpaid parental leave must be taken immediately after the initial 12 months absence.
- 4.7.23. Employees must request an extension to the leave at least four weeks before the first 12 months of leave ends and provide details of the specific start date of the leave.
- 4.7.24. Managers must provide a written response to the request within 21 days of receiving the request and must not refuse the request unless the employee has been given a reasonable opportunity to discuss the request.
- 4.7.25. Requests for an extension can only be refused on reasonable business grounds such as:
 - the impact on the workplace's budget, productivity or customer service
 - difficulties managing the workload among existing staff, or
 - difficulties in recruiting a replacement employee.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

4.8. Other FW Act leave provisions

4.8.1. Employees who experience traumatic events during or after their pregnancy such as stillbirth, hospitalisation of a child or death of a child within the first 24 months of life may still access paid and unpaid leave provisions in accordance with the [FW Act](#).

4.8.2. Managers are encouraged to apply the legislative provisions outlined below taking into consideration the sensitivities of the situation.

4.8.3. Employees are encouraged to access the Department's [Employee Assistance Program](#) which is available 24/7 to them and their immediate families.

Stillborn child

4.8.4. Pregnant employees who experience stillbirth are still eligible for applicable provisions under the [ML Act](#) (refer section 4.3.43).

4.8.5. Employees who had requested unpaid parental leave under the NES to be primary carer for their child which is stillborn or who dies in the first 24 months have the option of:

- continuing with their approved unpaid parental leave
- cancelling this leave before it commences
- if the leave had already commenced, notifying their manager that they wish to return to work.

4.8.6. There is no expectation that employees will cancel their approved leave or return to work; this decision is entirely at the discretion of the employee.

4.8.7. Where the employee wishes to cancel their leave or return to work, they should notify their manager in writing.

4.8.8. If the employee has commenced their leave and wishes to return to work, the return to work date must be at least 4 weeks after they have notified their manager.

4.8.9. Employees who meet the eligibility requirements for supporting partner leave under clauses 4.57 to 4.61 of the [WD](#) may access this leave where their child is stillborn.

4.8.10. Employees may also access bereavement leave in relation to their stillborn child in accordance with clause 4.28 or 4.29 of the [WD](#).

Hospitalisation of a child

4.8.11. Employees who had a period of maternity leave or unpaid parental leave approved and whose child is immediately hospitalised after birth or is required to remain in hospital after the birth because:

- the child was born prematurely, or
- the child developed a complication or contracted an illness during the child's period of gestation or at birth, or
- the child developed a complication or contracted an illness following the child's birth

may enter into an agreement with their manager to return to work for the period their child is in hospital (i.e. the permitted work period) and then resume their maternity leave or unpaid parental leave after the child is out of hospital.

4.8.12. Whether the employee chooses to return to work during this period is entirely at the employee's discretion and the Department does not expect employees to return to work in these circumstances.

4.8.13. Managers may request a medical certificate to support the return to work however this is purely

discretionary.

4.8.14. The permitted work period commences immediately after the birth of the child and will end at the earliest of the following:

- as agreed by the employee and their manager, or
- the end of the day that the child is no longer in hospital.

4.8.15. If the permitted work period is within the mandatory six week absence period after the birth of the child, the employee must provide medical evidence to confirm that they are fit to return to duty.

4.8.16. During the permitted work period, the employee is considered to be back at work and all relevant entitlements and provisions apply including access to leave, for example, personal leave if they get sick.

4.8.17. The permitted work period effectively pauses the maternity or parental leave period. When the maternity leave or parental leave recommences, it will be extended by the length of the permitted work period.

4.8.18. There can only be one agreed permitted work period and it is not available if the child is hospitalised later during the maternity or parental leave period.

Death of a child in the first 24 months

4.8.19. Employees on a period of maternity leave, adoption/foster leave or unpaid parental leave whose child dies in the first 24 months have the option of:

- continuing with their approved unpaid parental leave
- cancelling this leave before it commences
- if the leave had already commenced, notifying their manager that they wish to return to work.

4.8.20. There is no expectation that employees will cancel their approved leave or return to work; this decision is entirely at the discretion of the employee.

4.8.21. Where the employee wishes to cancel their leave or return to work, they should notify their manager in writing.

4.8.22. If the employee has commenced their leave and wishes to return to work, the return to work date must be at least four weeks after they have notified their manager.

4.8.23. Employees may also request bereavement leave in accordance with clauses 4.28 or 4.29 of the [WD](#).

4.9. Keeping in touch and returning to work

Keeping in touch days

4.9.1. Keeping in touch (KiT) days are available to enable employees to stay connected and up to date with their workplace, refresh their skills and assist in their return to work.

4.9.2. Employees who are on unpaid maternity leave or unpaid parental leave may access up to 10 KiT days during each 12 month period of their absence.

4.9.3. KiT days may also be taken when employees are using paid leave (this includes LSL).

4.9.4. KiT days may be initiated by the Department or the employee. However, the employee must agree to use a KiT day and:

- where the Department has initiated the KiT day, it must not be within 42 days (or six

OFFICIAL

weeks) of the birth or placement of the child

- where the employee requests a KiT day, it must be at least 14 days (or two weeks) after the birth or placement of the child.

4.9.5. Employees on paid maternity leave cannot access a KiT day.

4.9.6. Employees on unpaid maternity leave who wish to access a KiT day within six weeks of the birth of their child must provide medical certification that they are fit to perform duty for the day/s. Employees cannot request a KiT day that is within 14 days of birth or placement of the child.

4.9.7. Where an employee is on paid leave and attends for a KiT day, the leave will either be re-credited for the duration of the KiT activity or the paid leave can be extended for the equivalent period (where this does not extend the approved period of maternity or parental leave).

4.9.8. Where an employee is on unpaid maternity or parental leave, the employee will be paid for their attendance on a KiT day.

4.9.9. Other provisions relating to KiT days include:

- no requirement to use all 10 KiT days prior to returning to work
- activities can be arranged for full or part days
- each attendance of one hour or more for a KiT day, is considered one of the 10 days available
- employees accessing KiT days are paid for the actual duration of the activity (which may be less than the whole KiT day debited).

4.9.10. KiT days may be used for:

- branch/divisional meetings
- planning days
- conferences
- training activities to refresh skills (e.g. training that relates directly to the employee's return to work role or becoming familiar with new or updated systems or processes).

4.9.11. KiT days may not be used for:

- professional development training (unless it is for a purpose as outlined above)
- undertaking the usual duties relating to their position (this would constitute a return to work)
- visiting work colleagues or participating in social events with work colleagues.

4.9.12. For further information refer to:

- the [Managing Long Term Employee Absences - Procedural Instruction \(HR-1806\)](#)
- [MyHR](#) - Keeping in Touch (KiT) days
- [Services Australia](#) intranet page. Services Australia is the department that provides Government policy in relation to KiT days.

Return to work

4.9.13. Employees returning from a period of unpaid parental leave:

- are entitled to return to the substantive position they held prior to commencing the leave, or
- if that position is no longer available, an available position for which the employee is qualified and suited at the same classification and salary prior to them taking the leave, and

- can request flexible working arrangements (including part-time working arrangements) under the [FW Act](#).

4.9.14. Refer to the [Flexible Working Arrangements - Procedural Instruction \(HR-4755\)](#) for further information.

4.9.15. Employees who commenced leave while performing higher duties do not have an automatic entitlement to return to the higher duties position on return from parental leave.

4.10. Other provisions

4.10.1. The Australian Government also provides Parental Leave Pay and Dad and Partner pay to eligible working parents.

Parental leave pay

4.10.2. The Australian Government's parental leave pay and flexible paid parental leave provides payments to eligible employees in addition to those provided for in the [WD](#).

4.10.3. To be eligible for parental leave pay under the Federal Government scheme, employees must:

- be the primary carer of a newborn or newly adopted child
- meet the 'income test'
- not be working during their Paid Parental Leave period except for allowable reasons
- have met the work test
- have registered or applied to register the child's birth in the relevant state or territory birth registry, if they're a newborn.

4.10.4. Employees wishing to apply for parental leave pay must send their applications through to Services Australia, who will provide Payroll Services with the details of approved payments, which Payroll will then pay to the employee.

4.10.5. More information is on the [Services Australia Parental Leave Pay website](#).

Dad and Partner Pay

4.10.6. To be eligible for Dad and Partner Pay leave pay under the Federal Government scheme, employees must be the:

- child's biological father
- partner of the birth mother
- adoptive parent
- partner of an adoptive parent, or
- person caring for a child born of a surrogacy arrangement

and meet all of the following conditions:

- a work test
- not be working for the same period that they will get Dad and Partner Pay except for allowable reasons
- not taking paid leave for the same period that they will get Dad and Partner Pay
- be caring for the child on each day of the period that they will get Dad and Partner Pay

OFFICIAL

- meet resident rules and be an Australian citizen or permanent resident
- an income test.

4.10.7. More information is on the Services Australia [Dad and Partner Pay](#) website.

5. Consultation

5.1. Internal consultation

5.1.1. The following internal stakeholders were consulted in the development of this Procedural Instruction:

- People Strategy and Culture Branch, People and Culture Division
- People Services Branch, People and Culture Division
- Legal Group
- all Department of Home Affairs employees including Australian Border Force.

5.2. External consultation

5.2.1. The following external stakeholders were consulted in the development of this Procedural Instruction:

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE).

6. Accountabilities and Responsibilities

Role	Description
Employees	<p>Employees are responsible for:</p> <ul style="list-style-type: none"> • discussing their leave plans with their manager in advance to allow their manager to consider operational and business planning options • using leave appropriately and for the intended purpose in accordance with all relevant policies, procedural instructions and legislation • providing documentary evidence to support a parental leave request • submitting all leave requests in a timely manner to ensure that leave records are correct and to avoid overpayments • providing medical certification to continue to work during the mandatory absence period.
Managers	<p>Managers are responsible for:</p> <ul style="list-style-type: none"> • ensuring employees use leave appropriately and in line with all relevant policies, procedural instructions and legislation • applying consistent and transparent decision making when considering requests for parental leave • ensuring requests for extending unpaid parental leave are responded to within 21 days of the request • ensuring they hold the delegation to approve a requested leave type in accordance with the signed instrument of HR delegations and refer requests which they cannot approve to the appropriate delegate.
Employee Conditions and Relocations Section, People Services Branch	<p>Employee Conditions and Relocations Section is responsible for:</p> <ul style="list-style-type: none"> • providing advice to employees and managers on more complex parental leave queries • coordination and administration of exceptional leave requests received through Support Connect for People and Culture Division delegate approval • ensuring requests to resume duty early are responded to within seven days of the request.
Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	<p>Workforce Management and Conditions Section is responsible for:</p> <ul style="list-style-type: none"> • providing policy advice and guidance in relation to parental leave arrangements to stakeholders across the Department • policy development and updates in relation to this PI to ensure currency and relevance.
Payroll Services Branch, People and Culture Division	<p>Payroll Services Branch is responsible for:</p> <ul style="list-style-type: none"> • managing requests from employees and managers and delegates in relation to leave requests as required.

7. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	8 April 2019	Workforce Management and Conditions, People Management Branch	Initial draft to support WD for consultation. Content included in Planned Leave PI
0.2	22 August 2019	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Content from initial draft split out of Planned Leave PI. Review undertaken considering staff consultation and feedback from Planned Leave PI.
0.3	28 September 2020	Workforce Management and Conditions, Workplace Relations and WHS Assurance	Final draft finalised for consultation.
0.4	3 December 2020	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Draft revised following consultation.
0.5	17 June 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Draft revised following feedback from PPCF Legal.
0.6	1 November 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Draft revised following changes to the FW Act.
0.7	15 January 2021	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Draft revised and updated including staff feedback
0.8	10 January 2022	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Draft revised and updated including staff feedback from second round consultation and to reflect legislative changes
0.8	6 June 2022	Workforce Management and Conditions Section, Workplace Relations and WHS Assurance Branch	Final version incorporating PPCF/PCF Legal feedback

Released by Department of Home Affairs under the Freedom of Information Act 1982

Attachment A – Assurance and Control Matrix

1.1. Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet to ensure they currently hold the applicable power, delegation or authorisation

Legislative Provision			Is this a delegable power? Y/N	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
<i>Department of Home Affairs Workplace Determination 2019</i>	Part 4 - Leave	Provides general provisions for various types of parental leave, including eligibility, entitlements, approval and payment.	Y	All HR delegations are available here .
<i>Maternity Leave Act (Commonwealth Employees) 1973 (Cth)</i>	Sections 6 - 7	Determine eligibility, grant leave, authorise payments.	Y	All HR delegations are available here .
<i>Fair Work Act 2009 (Cth)</i>	Divisions 5-9 of Part 2-2 –	The National Employment Standards - provides entitlements and eligibility to various types of leave.	N	

1.2. Controls and Assurance

Related Policy	Leave – Policy Statement (HR-2146) Working Hours and Arrangements – Policy Statement (HR-2190) Overseas Conditions of Service - Policy Statement (HR-2158) Studies Assistance – Policy Statement (HR-2178)
Procedures / Supporting Materials	Working Hours – Procedural Instruction (HR-2191) Unplanned Leave – Procedural Instruction (HR-4751) Planned Leave – Procedural Instruction (HR-4750) Managing Long Term Employee Absences - Procedural Instruction (HR-1806) Flexible Working Arrangements - Procedural Instruction (HR-4755) Staff Return Agreement (SRA) - Supporting Material (HR-6720)
Training/Certification or Accreditation	Nil
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this)	myHR - Parental Leave Support Connect Portal
Escalation arrangements	Queries which require escalation will be forwarded through the Support Connect Portal to the relevant People and Culture Division work area
Recordkeeping (e.g. system based facilities to record decisions)	Content Manager
Program or Framework (i.e. overarching)	Workforce Management and Conditions

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Policy Framework or Business Program)	
Job Vocational Framework Role	This PI applies to all job roles in the Department including ABF

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

My HR



Learn more about [Enterprise Agreement bargaining](#).



For information on Staff Support Services please visit [MyHR](#).



MyHR

[MyHR](#) > [Work, health and safety](#) > [Healthy us](#) > [Healthy bodies](#) > Vaccinations

Vaccinations

Vaccination is the best protection against various diseases. Vaccination of workers at high risk of being exposed to various diseases is the most effective means of preventing disease when the risk of exposure is significant, and an effective vaccine is available. Vaccinations help protect workers and the community from serious diseases.

Work areas are responsible for funding the cost of travel related vaccinations.

Examples of the appropriate use of vaccinations include where you:

- travel overseas and you have a higher risks of exposure to certain diseases
- may be at a higher risk to certain diseases in your job
- may benefit from a flu vaccination
- may be exposed to a disease from a workplace incident

Where a work area has recommended vaccinations for workers, workers should seek advice from a medical practitioner regarding current recommendations.

Only suitably qualified medical practitioners can prescribe and give the vaccinations and other medical treatments.

Note: Tuberculosis cannot be prevented by vaccine, but can be screened for exposure and exposed individuals should be offered treatment options.

Our vaccination guidelines

The Department's [Communicable Diseases procedural instruction](#) has advice on managing the risks of contagious diseases in the workplace. It provides vaccination recommendations for various categories of staff.

Our vaccination programs are:

- flu vaccinations
- [pre-deployment vaccinations](#).

Flu vaccinations

The Department encourages staff to get the flu vaccination every year.

The 2023 Flu Vaccination program has been completed.

Updates regarding the 2024 Flu Program will be provided when available.

For more information about the flu vaccination, go to the [Department of Health](#) website.

Contact

If you have any questions, you can:

- Email: [s22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s22(1)(a)(ii)@homeaffairs.gov.au)

Related pages



Injuries and illness



Work health and safety (WHS)



First Aid Officer



This page was last updated on: **Thursday 9 Nov 2023 3:43 PM**