

s22(1)(a)(ii)

From: David LEONARD
Sent: Thursday, 31 January 2019 8:28 AM
To: s22(1)(a)(ii)
Subject: Fwd: Practices in the People Division. ~~{DLM-For Official Use Only}~~

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s42

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From: "Murali VENUGOPAL" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>
Date: Thursday, 31 January 2019 at 8:17:22 am
To: "David LEONARD" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>, "Leanne BLACKLEY" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>
Cc: s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU
Subject: Re: Practices in the People Division. ~~{DLM-For Official Use Only}~~

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D

s42

I shall make a call based on that.

M

Murali Venugopal
 First Assistant Secretary
 People Division | Corporate and Enabling Group
 Department of Home Affairs
 P: 02 s22(1)(a)(ii) | M: s22(1)(a)(ii)
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From: "David LEONARD" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>
Date: Thursday, 31 January 2019 at 8:13:04 am
To: "Murali VENUGOPAL" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>, "Leanne BLACKLEY" <s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>
Cc: s22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU
Subject: Re: Practices in the People Division. ~~{DLM-For Official Use Only}~~

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M,

I don't propose to honour leave applications that are submitted this week for later in the year. It will just encourage the sponsored behaviour we are hearing about.

Let me know if you prefer a different approach.

D

Sent by Email+

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From: "Murali VENUGOPAL" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Date: Thursday, 31 January 2019 at 8:08:21 am
To: "David LEONARD" <[REDACTED]@HOMEAFFAIRS.GOV.AU>, "Leanne BLACKLEY" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Cc: [REDACTED]@HOMEAFFAIRS.GOV.AU
Subject: Re: Practices in the People Division. [DLM=For Official Use Only]

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David

Re-read the email. Apologies, I agree with your position. Only [this] leave approved prior to commencement of WD, including for dates in the future, will be available for use.

M

Murali Venugopal
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From: "Murali VENUGOPAL" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Date: Thursday, 31 January 2019 at 7:59:22 am
To: "David LEONARD" <[REDACTED]@HOMEAFFAIRS.GOV.AU>, "Leanne BLACKLEY" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Cc: [REDACTED]@HOMEAFFAIRS.GOV.AU
Subject: Re: Practices in the People Division. [DLM=For Official Use Only]

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David

Thanks for the intel. Agreed BPs and People services folk should be briefed. Discuss policy position etc with me on Friday before communicating that with anyone

Regards

Murali Venugopal
 First Assistant Secretary
 People Division | Corporate and Enabling Group
 Department of Home Affairs

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From: "David LEONARD" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Date: Thursday, 31 January 2019 at 7:50:45 am
To: "Leanne BLACKLEY" <[REDACTED]@HOMEAFFAIRS.GOV.AU>, "Murali VENUGOPAL" <[REDACTED]@HOMEAFFAIRS.GOV.AU>
Cc: [REDACTED]@HOMEAFFAIRS.GOV.AU>
Subject: Practices in the People Division. ~~[DLM=For Official Use Only]~~

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Both,

Hearing sisters that some of our colleagues in PD are actively promoting early submission of applications for half pay leave on the basis that if they get them in now they will be honoured after the WD goes in. We may see a run of these from our own people.

I am proposing to adopt a policy position that only absences that are in train on commencement of the WD will be honoured. Future dated ones will lapse.

There is also active support for progressing IFA claims from line areas reimplementing things not awarded by FWC. Representations from BPs on behalf of regional commands have started to come in already.

Can we make sure that BPs are clear on the Departments position re these issues and don't compound transition to anWD by encouraging pre WD runs on things the Department does not intend to apply.

Leanne, let's discuss if we haven't been clear enough re strategic intent.

Regards,

D

Sent by Email+

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s22(1)(a)(ii)

From: Murali VENUGOPAL
Sent: Thursday, 14 February 2019 4:04 PM
Subject: Workplace Determination Update 12 [DLM=For-Official-Use-Only]
Importance: High

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Workplace Determination Update 12

Colleagues

As you will be aware from the Secretary's announcement last Friday, the Fair Work Commission (FWC) has now made the Workplace Determination (WD), which took effect on 8 February 2019. The WD provides a single set of employment terms and conditions for all non-SES employees of our Department and the Australian Border Force (ABF).

Summary of this update

This update provides further information on:

- Salary and conditions on commencement of the WD
- Half pay leave transitional arrangement
- Standardisation of working hours
- Remote locality conditions
- Individual Flexibility Arrangements
- Implementation

We are continuing to develop and progressively release draft fact sheets on [MyHR](#), and many of these address issues being raised by staff. I encourage you to check [MyHR](#) on a regular basis. Updated information and new fact sheets will be added as they are developed.

In this week's WD update, I will continue to focus on issues raised by staff. Certain terms and conditions provided for in the WD require us to determine eligibility before we are able to implement them. Examples include remote locality conditions, work location allowance and use of force

allowance for staff in designated use of force roles. We are working hard to resolve these matters as quickly as possible.

Salary and conditions on commencement of the WD

As advised in [Workplace Determination Update 8](#), the majority of staff will continue on their current rate of salary following commencement of the WD. The initial 4 per cent wage increase provided under the WD was paid to eligible staff following a statement issued by the FWC on 8 June 2018. This payment was authorised by the Secretary, through a section 24(1) Determination made under the *Public Service Act 1999* and made to eligible staff in June 2018.

[Factsheet 2.1 – 8 June 2018 – 4 per cent wage increase](#) provides further information about how this wage increase was applied.

Some staff will receive an increase in salary on commencement of the WD to align with the new salary ranges under the WD, for example, where the bottom of a salary range under the WD is higher than the previous bottom of range salary (APS4) or, in the case of professional classifications (Legal, Public Affairs and Medical), where the WD has established new fixed increment points. These details will be explained in more detail in Fact sheet 2 – Remuneration which will be released shortly.

Half pay leave transitional arrangements

The WD confirms that there will no longer be the option of taking annual and personal leave at half pay. Further information, including proposed transitional arrangements, was provided in [Workplace Determination Update 11](#). Some staff have asked for further clarification as to how the transitional arrangements apply. [Fact sheet 4 - Leave](#) has been updated to clarify that:

- Where a period of leave which includes a half pay annual or personal leave component had already been approved and commenced before the WD took effect, that full period of leave will continue to apply until its end date—even where the half pay component commences after the WD came into effect.
- As per previous advice, any periods of leave where the absence commences after the WD came into effect will be revoked. For these periods, you will need to submit new applications using leave types or rates of pay available under the WD.

People Division will be contacting staff who are directly affected by the revocation of half pay leave applications shortly.

Standardisation of working hours

With effect from 8 February 2019, working hours for all non-SES employees of the Department and the ABF are based on a standard working week of 37 hours and 30 minutes (or average thereof).

Staff who are affected by an increase to working hours are required to make adjustments to their hours of attendance to ensure that they are compliant with the standardised working hours. Guidance relating to changes to working hours was provided in [Fact sheet 3.1 – Increase to working hours for \(former ACBPS employees\)](#) on 17 January 2019. People Division has been working closely with work area managers and roster clerks to prepare for a smooth transition to updated rosters.

The following changes apply to staff who are impacted by the increase in working hours from 7:21 to 7:30:

- Full-time flex workers—flex sheets in easySAP have been updated to reflect a 7.5 hour working day.
- Full-time employees with a variable working hours arrangement (VWH)—your VWH arrangement has been ceased to maintain your full-time status and you have been reverted to a flex-time worker. Your flex sheet will automatically adjust to reflect a 7.5 hour working day. You will need to submit a new VWH schedule based on a 37.5 hour working week to maintain an agreed VWH arrangement. Until your new work scheduled is approved, you should, in consultation with your manager, be able to manage your VWH arrangement through the flex-time arrangements.
- Full-time shift workers—new roster schedules should now be in effect; you need to be aware of the changes made to the start and/or finish times in your shift roster. If you have not received your updated shift roster, please talk to your manager.
- Part-time staff are not required to increase their agreed working hours arrangements. Changes to part-time arrangements should be made in consultation with managers and will be processed at the request of the employee by submitting a new part-time work schedule. It is recommended you read [Fact sheet 3.1 – Increase to working hours for \(former ACBPS employees\)](#) for further information.

Remote locality conditions

The Department has completed an assessment of remote localities using the method established in the WD at clause 9.6. Details of locations that meet remote locality criteria and conditions (including rates of District allowance) that apply can be found in [Fact sheet 9.1 – Remote locality conditions](#). This fact sheet will be updated as soon as possible to include details relating to transitional arrangements and assistance with housing costs (where applicable) which are addressed in the Department's Domestic Relocations Policy.

Individual Flexibility Arrangements

As advised in [Workplace Determination Update 7](#), all Individual Flexibility Arrangements (IFAs) that were made under the *Department of Immigration and Citizenship Enterprise Agreement 2011-2014* (DIAC EA) ceased on commencement of the WD. All previous IFAs are being assessed to determine whether they are required to be re-established under the WD.

Where your IFA:

- provided for terms and conditions that are now covered by the WD (e.g. a rate of salary within the WD ranges or a rate of allowance that is lower than the WD now provides), your IFA will no longer be required and will not be renewed
- was for a rate of salary negotiated on commencement, promotion or transfer, and the rate of salary it is not provided for in the WD, you will be offered a new IFA

Where your IFA:

- was for a specific circumstance or work demand, your SES manager will be asked to review. Where there is an ongoing basis for the conditions included in the IFA, you will be

offered a new IFA. Where the circumstances have changed or where it is determined the IFA is no longer necessary, your manager will discuss this with you.

We are aware that some of you have already received emails advising that your IFA has ceased. This is technically correct as the authority for the IFA – i.e. the DIAC EA – is no longer valid. As an interim measure, so as not to disadvantage you, until such time as the review of your IFA has been completed, you will continue to receive payment of the conditions.

Fact sheets

The following fact sheets (in draft) are available on [MyHR](#):

- [Fact sheet 3.4 – Shift work arrangements](#) – provides a summary of the provisions relating to shift work. There are minimal changes to shift work conditions under the WD.
- [Fact sheet 9.1 – Remote locality conditions](#) – provides a summary of the assessment undertaken to determine remoteness of locations within the Department's footprint in accordance with clause 9.6.

Implementation

The Secretary noted in his announcement that implementation of the full WD will need to occur over multiple pay periods due to the significant system changes required in easySAP. This work has commenced. Our Payroll Services team and colleagues in the Information and Communications Technology Division have worked through the weekend, and into this week, to implement as many system changes as possible for the next pay that is due on 21 February 2019. Over the coming weeks, easySAP will continue to be unavailable for periods of time, including weekends, to enable further system changes to be implemented.

If you still have a question after reading the fact sheets, please raise them with your manager or SES officer in the first instance.

We truly appreciate the feedback you have been providing regarding these messages and fact sheets. Your continued engagement will help to ensure we develop guidance that answers your questions. So keep the conversation going.

Direct enquiries can be made through the [HR Portal](#), Workplace Determination Enquiry. Emails sent to workplace.determination@homeaffairs.gov.au will be redirected to the HR Portal.

I will continue to provide weekly updates.

Murali Venugopal
First Assistant Secretary
People Division



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Home Affairs Workplace Determination

Fact Sheet 4 – Leave

Matters that relate to leave are covered under Part 4 of the Workplace Determination (WD). This part sets out:

- [General provisions](#) applying to paid and unpaid leave and the interaction between different leave types,
- The [types of leave](#) that are available and the relevant entitlement and conditions that apply,
- [Portability of leave](#) between Departments and Agencies, and
- Access to leave during the [Christmas / New Year period](#).

Key Facts

Transitional Arrangements

The WD made on 8 February 2019 confirms that there will no longer be the option of taking annual and personal leave at half pay. The following arrangements will apply where you have applied for annual or personal leave at half pay:

- Where a period of continuous leave which includes a half pay annual or personal leave component had already been approved and commenced before the WD took effect, that full period of leave will continue to apply until its end date—even where the half pay component commences after the WD came into effect.
- Any period of half pay annual or personal leave where the absence commences after the WD came into effect will be revoked. For these periods, you will need to submit new applications using leave types or rates of pay available under the WD.

People Division will be contacting staff who are directly affected by the revocation of half pay leave applications shortly.

General provisions

- All leave is subject to approval, including flex-time, time off in lieu and time-off for Executive Level employees.
- All paid leave will:
 - Count for service for all purposes.
 - Be paid at your base rates of pay, exclusive of penalties and allowances unless specified in the WD or in legislation. Higher duties allowance, shift penalties and some salary based allowances are included for payment of certain paid leave types.
- Unpaid leave does not generally count as service and when taken, will reduce leave accruals from day one. There are exceptions where legislation provides for an absence to count as service or where the Secretary approves for an unpaid absence to count as service. For example, Personal leave without pay

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for illness or injury counts for the purpose of accruing long service leave under the Long Service Leave (Commonwealth Employees) Act 1976 (LSL Act).

- Employee who are on a period of annual leave and become eligible for a grant of personal leave, emergency service volunteer leave, jury service leave or compassionate or bereavement leave, will at the request of the employee be re-credited to the extent of the period of other leave granted.
 - For re-crediting of annual leave, employees are required to provide evidence that would satisfy a reasonable person that the alternate leave was taken for the purpose requested.
 - Long service leave will be credited in accordance with the Long Service Leave (Commonwealth Employees) Act 1976.
- Compassionate, bereavement and personal leave cannot be taken during a period of long service leave, paid maternity leave or paid or unpaid adoption, foster or supporting partner leave.
- Employees who have received worker's compensation for more than 45 weeks will continue to accrue annual and personal leave on a pro-rata basis, in accordance with actual hours worked.

Eligibility and accrual

- If you are a Part-time employee, accrued leave under the WD (such as annual, personal and long service leave) will apply to you on a pro-rata basis according to the proportion of standard weekly hours you work.
- If you are a casual employee, you are not entitled to paid leave entitlements, other than long service leave which accrues in accordance with the LSL Act.

Types of Leave

Paid Leave

Leave Type	Entitlement	Conditions
Adoption / Foster leave	Up to 14 weeks on each occasion	<p>You:</p> <ul style="list-style-type: none"> • Must have completed at least 12 months service in the APS and be the primary caregiver to be eligible. Service must be continuous with no breaks in continuity. • Must provide documentary evidence prior to approval. • Can only take the leave in a single continuous period on and from the date of the placement of the child. • May spread payment over a maximum period of 28 weeks. • Cannot take compassionate, bereavement and personal leave during a period of <u>paid or unpaid</u> adoption or foster leave.
Annual leave	4 weeks per annum	<ul style="list-style-type: none"> • For each full year of service you complete, you will accrue 4 weeks of annual leave based on a standard working week of 37.5 hours (or average thereof). • If you are a shift worker, you will receive 100% of penalties attracted by your roster (excluding public holiday penalties) while on annual leave. <p>You:</p> <ul style="list-style-type: none"> • Can only take Annual leave at full pay – <i>Annual leave half pay is not an entitlement under the WD</i>. See transitional arrangements for more information. • Can take annual leave for full or part day absences

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Leave Type	Entitlement	Conditions
		<ul style="list-style-type: none"> Can cash out leave where eligibility criteria is met. <ul style="list-style-type: none"> An additional eligibility requirement has been added under the WD, before annual leave can be cashed out you must have taken a minimum two weeks leave in the preceding 12 months to qualify. Can be directed to take leave where your balances exceed the equivalent of 2 years accrual.
Annual leave for shift workers/sea-going marine crew/employees in remote localities	Up to an additional 5 days	<ul style="list-style-type: none"> Where eligibility requirements are met. There are no changes to current eligibility requirements.
Compassionate leave (on-going and non-ongoing employees)	Up to 2 days	<ul style="list-style-type: none"> For each occasion, where a member of your family or household contracts an illness or injury that poses a serious threat to their life
Bereavement leave (on-going and non-ongoing employees)	Up to 3 days	<ul style="list-style-type: none"> For each occasion where a member of your family or household dies.
Defence Reserve Leave	20 days	<ul style="list-style-type: none"> For each year of service in the ADF Reserve. You will be granted an additional 10 days in the first year of ADF Reserve service, for training and operational duty as required. Discretion to grant additional paid or unpaid leave.
Emergency Service Volunteer Leave	Up to 4 days	<ul style="list-style-type: none"> For each emergency service activity Approval is subject to evidence requirements Discretion to grant additional paid or unpaid leave.
Jury Service Leave	For the period required by the court	<ul style="list-style-type: none"> Approval is subject to evidence requirements. Conditions apply where you receive payment from the court.
Long Service Leave	In accordance with the <u>Long Service Leave (Commonwealth Employees) Act 1976</u>	<ul style="list-style-type: none"> May be granted at full or half pay The minimum period that can be approved is : <ul style="list-style-type: none"> 7 consecutive days at full-pay. 14 consecutive days at half pay. <i>This is a change from previous conditions that only required a minimum of 7 days at either full or half pay.</i>
Maternity leave (paid)	Up to 14 weeks	<ul style="list-style-type: none"> 12 weeks in accordance with the <i>Maternity Leave (Commonwealth Employees Act 1973)</i> (Maternity Leave Act), plus

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Leave Type	Entitlement	Conditions
		<ul style="list-style-type: none"> an additional 2 weeks paid leave under the WD <p>You:</p> <ul style="list-style-type: none"> Must have completed at least 12 months service in the APS. Service must be continuous with no breaks in continuity. May spread payment over a maximum period of 28 weeks. Cannot take compassionate, bereavement and personal leave during a period of paid maternity leave.
NAIDOC leave	1 day each year	<ul style="list-style-type: none"> Can be taken as a full day or several short absences to the equivalent of one day over the course of the week.
Personal leave	18 days	<ul style="list-style-type: none"> For each year of completed service, , you will accrue 18 days of personal leave based on a standard working day of 7.5 hours (or average thereof). <p>You:</p> <ul style="list-style-type: none"> Can only take Personal leave at full pay – <i>Personal leave half pay is not an entitlement under the WD</i>. See transitional arrangements for more information. Personal leave can be approved for full or part day absences. <p>There are a number of changes to the terms and conditions for Personal leave.</p> <ul style="list-style-type: none"> For more information refer to Fact sheet 4.1 – Personal Leave
Purchased	Up to 8 weeks within a 12 month period	<ul style="list-style-type: none"> Leave is purchased with equal payments being deducted from your gross salary per fortnight, spread over a maximum period of 12 months. Payments will vary depending on the number of weeks you purchase. If you do not use all the leave you purchased within the 12 month application period, the unused balance will be reimbursed as a lump sum at the rate you purchased the leave. Leave taken <u>will</u> count as service.
Sabbatical	1 year (after 4 years)	<ul style="list-style-type: none"> 4 years continuous work followed by 1 year of leave. Under previous employment conditions Sabbatical leave was called 'Extended purchased leave'. There are no changes to the conditions. Salary is spread over 5 years at a rate of 80 per cent of base salary. <ul style="list-style-type: none"> Penalty and overtime payments and allowances (including higher duties) are not included into based salary calculations and will not be paid in the 1 year period of Sabbatical leave. To be eligible, you must have completed 2 years of continuous employment with the Department. You cannot apply for Purchased leave if you are accessing Sabbatical leave arrangements. If you do not use all the leave you purchased in the year following the 4 year work period, the unused balance will be reimbursed as a lump sum at the rate you purchased the leave.

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Leave Type	Entitlement	Conditions
		<ul style="list-style-type: none"> The one year Sabbatical leave will not count as service.
Study leave	Up to 7.5 hours per week, and up to 10 hours per week for Aboriginal and Torres Strait Islander staff and staff with disability.	<ul style="list-style-type: none"> To be eligible you must be an ongoing employee and be completing a course that is relevant to the Department's operational requirements. You may be granted financial assistance and paid study leave of up to 7 hours and 30 minutes per week during each semester, including for exams. For more information refer to MyHR – Studies assistance.
Supporting Partner	Up to 4 weeks	<p>Under previous conditions this was called 'Parental leave with pay'. There is no longer an entitlement to paid parental leave under the WD where you are the primary care giver and are not eligible for paid maternity leave.</p> <p>For more information refer to Unpaid maternity leave.</p> <p>To be eligible for supporting partner leave, you:</p> <ul style="list-style-type: none"> Must have completed at least 12 months service in the APS and not be eligible for maternity, adoption or foster leave (you are not the primary care giver). Must take the leave in one continuous period from the birth or placement of your child. Can spread payment over a maximum period of 8 weeks. Cannot take compassionate, bereavement or personal leave during a period of <u>paid</u> supporting partner leave or <u>unpaid</u> parental leave.
War Service	<p>9 weeks special credit from commencement in the APS</p> <p>3 weeks annual credit</p>	<ul style="list-style-type: none"> You are only eligible for War service sick leave if you are unfit for duty because of a war caused or defence caused condition that has been determined under the <u>Veteran's Entitlement Act 1986</u> or the <u>Military Rehabilitation and Compensation Act 2014</u>. You must use your special leave credit before you are eligible for the 3 weeks annual credit. Annual credit can accumulate up to a maximum annual credit balance of 9 weeks.

Unpaid Leave

Leave Type	Entitlement	Conditions
Compassionate/Bereavement leave for casual employees	Up to 2 days unpaid	<ul style="list-style-type: none"> Casual employees may take up to 2 days Compassionate leave and up to 2 days Bereavement leave for each occasion.
Ceremonial leave	Up to 10 days over a two year period	<ul style="list-style-type: none"> If you identify as an Aboriginal or Torres Strait Islander, this leave may be taken to attend ceremonial activities. For example, associated with the death of a member of your family or extended family, or obligations under the Aboriginal or Torres Strait Islander law.

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Leave Type	Entitlement	Conditions
Family and Domestic Violence leave (FDVL)	Up to 5 days within a 12 month period.	<ul style="list-style-type: none"> FDVL applies to all employees (including - ongoing, non-ongoing, full-time, part-time and casual employees). You are entitled to up to five days of unpaid FDVL within a 12 months period, where you are affected by family and domestic violence. FDVL is available in full at the start of each 12 month period of your employment—if you are a <ul style="list-style-type: none"> Non-ongoing or casual employee, the start of your employment will be the commencement date of your initial contract with the Department. FDVL is not accrued each year and does not accumulate. You can access FDVL in a block of consecutive days or as separate full or part-day periods. <p>Refer to Family and Domestic Violence Assistance on MyHR for more information.</p>
Unpaid maternity / parental leave	Up to 52 weeks	<ul style="list-style-type: none"> You are entitled to up to 52 weeks maternity or parental leave following the birth or placement of your or your partner's child. <ul style="list-style-type: none"> For Maternity leave, the 52 weeks starts from the commencement of the mandatory confinement period (up to 6 weeks prior to the birth of your child). For adoption, foster and supporting partner leave, commencement is from the placement date of your or your partner's child. Supporting partners are only eligible for up to 52 weeks where the purpose of the leave is as the primary care giver. This leave can be a combination of paid and unpaid leave entitlements, including the use of annual, purchased and long service but cannot exceed a total period of 52 weeks. Unpaid maternity and parental leave does not break continuity of service but does not count for service for any other purpose. You can request an extension of unpaid parental leave for a further 52 weeks, following the initial 52 week period, provided you are the primary care giver. If you are not eligible for paid maternity leave you are still eligible for up to 52 weeks unpaid Maternity leave under the Maternity Leave Act. <ul style="list-style-type: none"> The first 12 weeks of unpaid Maternity Leave counts for service. You may also be eligible for the Australian Government's Paid Parental Leave Scheme. Any period of paid leave under this scheme would be incorporated into the entitlement of up to 52 weeks of unpaid Maternity leave.

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Leave Type	Entitlement	Conditions
		<ul style="list-style-type: none"> Where permitted under legislation and fund rules, the Department will pay employer superannuation contributions for up 52 weeks of parental leave. For more information see Fact sheet 2.4 – Superannuation (under development).

Miscellaneous leave

The Secretary has discretion to grant miscellaneous leave for reasons not otherwise covered under the WD, where it is for a purpose considered to be in the interests of the Commonwealth.

The leave may be paid or unpaid and subject to conditions. If unpaid leave is granted, the Secretary may approve for the leave to count for service.

Miscellaneous leave in response to an emergency

In circumstances where you are 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, you will be granted miscellaneous leave with pay for the duration of the closure.

Portability of leave between Departments and Agencies

There are no changes to current provisions. Annual and personal leave credits will be recognised providing there is no break in service unless otherwise provided for by legislation.

Portability of leave and recognition of prior service for long service leave purposes is in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

Leave during the Christmas / New Year period

Due to the 24/7 nature of the Department's business operations, there is no formal shutdown period over the Christmas / New Year period.

- You receive an additional paid holiday each year between Christmas and New Year under the WD. This holiday falls on the first business day following the Boxing Day public holiday (as declared or prescribed under State or Territory law).
 - You are entitled to be absent from work on this day, as if this day were a public holiday.
 - If you are required to work on the additional paid holiday, entitlements will be the same as if it were a public holiday.
- The remaining two days between Christmas and New Year are considered working days and you are expected to report to work for your normal duties, unless:
 - You have approved leave, or
 - Your Director has determined that there is insufficient work over this period or that there will not be an appropriate level of supervision and has directed you to take leave during this period. You need to be provided with at least one month's notice of the requirement to take leave in this circumstance.
 - Under the WD, your Director does not require 75 per cent of staff to agree, to direct staff to take leave during the Christmas / New Year period. This is a change from previous conditions.
- Where you have been directed to take leave you may access:
 - Flex time, where this does not cause a debit greater than the allowable limit (the maximum flex debit is 10 hours, or 5 hours where an Employee works less than 25 hours per week),
 - Accrued time off in lieu,
 - EL Flexible Time off,

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- Annual or purchased leave, or
- If you have insufficient paid leave entitlements, unpaid miscellaneous leave to count as service will be granted.

Still have a question?

If after reviewing this information you have a question, please make an enquiry through the [HR Portal](#).

Please select, Workplace Determination Enquiry, Leave.

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