



Leave and public holidays

Background

1. The *Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27* (the Enterprise Agreement) provides for the following types of leave:
 - a. Annual leave, including Excess (Canberra) Travel Leave;
 - b. Personal/carer's leave;
 - c. Unpaid carer's leave;
 - d. Compassionate leave;
 - e. Community service leave;
 - f. Miscellaneous leave;
 - g. Other leave, including study leave (refer to separate **Studies assistance guideline**);
 - h. Leave for reasons of family and/or domestic violence (refer to [Attachment A](#));
 - i. Long service leave;
 - j. Parental leave, both for primary and secondary caregivers;
 - k. Leave without pay, including unpaid personal/carer's leave and unpaid parental leave; and
 - l. Public holidays, including annual closedown.
2. Employees affected by, or at risk of, experiencing family and/or domestic violence who require time off work have access to a range of leave options, including miscellaneous leave, personal leave and/or flexible working arrangements, to enable flexibility in the provision of leave that is appropriate to individual circumstances (refer to [Attachment A](#)).

Leave applications

- Enterprise Agreement clause 44
3. Employees are to ensure that leave applications are submitted to the employing parliamentarian, or authorised person, as soon as practicable with required evidence for approval. Hardcopy forms must be immediately forwarded to the Department of Finance (Finance) following approval.

Approval of leave by the Parliamentary Workplace Support Service during deferral of termination

4. Where the employing parliamentarian has ceased to have employment powers under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act) and the employment of that person's employees has been deemed not to have terminated by virtue of a direction made under subsections 14(1) or 14(2) of the MOP(S) Act, the Parliamentary Workplace Support Service (PWSS) may approve leave in accordance with subsection 15(5) of the MOP(S) Act.

Annual leave

► Enterprise Agreement clause 45

5. Annual leave accrues daily at the rate of four weeks (152 hours) per year of service for full-time employees. The accrual of annual leave is pro rata for part-time employees. As a guide, the accrual rate for a full-time employee, working 38 hours per week, is approximately 12 hours 40 minutes per month of eligible service - the monthly figure varies slightly from month to month depending on the number of calendar days in the month. Annual leave may be taken as it accrues.
6. There is no limit on the amount of annual leave that may be accrued by employees. However, the purpose of annual leave is to enable employees to have sufficient breaks from the workplace.
7. All decisions about taking annual leave, apart from decisions made under clause 45.7 (where an employing parliamentarian may direct an employee to take a period of annual leave in certain circumstances), should be agreed between the employee and the employing parliamentarian, taking into account both the needs and wishes of the employee and the requirements of the workplace. Where reasonable workplace requirements prevent the employing parliamentarian from agreeing to a period of annual leave as requested, the reasons for the decision should be discussed with the employee and alternative arrangements agreed.
8. In accordance with clause 45.4 of the Enterprise Agreement, employees may take a period of annual leave at full pay, half pay or a combination of the two.

Excess (Canberra) Travel Leave

► Enterprise Agreement clauses 61.3 - 61.6

9. Clause 61.3 entitles employees who are required to travel from their work base in remote and/or rural locations (refer to **Additional annual leave credit – excess (Canberra) travel leave**) to Canberra on a Sunday or public holiday in their work base for a Parliamentary sitting to claim a half day of additional annual leave for each occasion of eligible travel.

10. The number of days of Excess (Canberra) Travel Leave (ECTL) that may be claimed each year will vary with the number of Parliamentary sittings each year. There is no limit to the number of days an employee can claim for ECTL per year (e.g. if there are 20 Parliamentary sittings in one year, an employee would be able to claim up to 10 days' ECTL should they undertake eligible travel for every Parliamentary sitting).
11. Any travel that is eligible for ECTL will be sent to Finance by the Independent Parliamentary Expenses Authority (IPEA) to be processed on an employee's behalf.

Personal/carer's leave

► Enterprise Agreement clause 46

12. For full-time employees, a credit of 18 days is available from the date of commencement of employment. Part-time employees are entitled to a pro rata accrual of personal/carer's leave. Personal/carer's leave will accrue daily (credited at least monthly) following the completion of the first year of an employee's MOP(S) Act employment.
13. Although there is no cap on the period of paid personal/carer's leave that may be approved for caring purposes (up to the limit of the employee's available leave credit), it is expected that employees will access carer's leave reasonably and responsibly in accordance with clause 46.3 of the Enterprise Agreement (e.g. personal/carer's leave is not available for employees to care for healthy children during school holiday periods).
14. For the purposes of clause 46.3, a child is defined as a person of school age or younger.
15. Employees may take personal/carer's leave at either full pay or half pay.
16. When applying for personal/carer's leave, employees must indicate the type of personal leave taken/to be taken from the list below:
 - a. personal illness or injury;
 - b. carer's leave (illness/injury); or
 - c. carer's leave (emergency).
17. Any personal leave in respect of the personal illness or injury of the employee taken in excess of an employee's credit, within the limits set out in clause 23 of this guideline, will be considered personal leave without pay and will count as service.
18. Consistent with section 107(3) of the *Fair Work Act 2009* (FW Act), it is a matter for employing parliamentarians to determine if evidence must be provided by the employee to cover an absence of personal leave, including carer's leave. Employees must be advised of requirements as soon as practicable after commencing employment or the employing parliamentarian changes those requirements.
19. Suitable evidence must be provided to Finance where an employee seeks to have any form of paid leave (e.g. annual or long service leave) re-credited in order to use personal leave. A medical certificate is required to cover any absence associated with a

workers' compensation claim, as well as for absences on personal leave due to illness during the 52 week absence period allowed by the *Maternity Leave (Commonwealth Employees) Act 1973*. Where required, other forms of acceptable evidence are outlined in clause 46.6 of the Enterprise Agreement and include a medical certificate, statutory declaration, or another form of evidence approved by the employing parliamentarian.

20. In the following circumstances, an employee may be required to undergo a medical examination to determine their fitness for duty:
 - a. where the employee is continuously absent due to illness or injury for a period in excess of four weeks; or
 - b. where a report from a treating doctor indicates that the employee is unfit for duty and is likely to remain so for an indefinite period or period of at least four weeks; or
 - c. where the employing Parliamentarian has reason to believe the employee is unfit, for some or all of their duties, for an indefinite period or a period of at least four weeks.
21. Where an employee has exhausted all paid personal/carer's leave and continues to be absent on personal illness or injury, they may access available annual and long service leave credits. Any such leave granted will not break continuity for the purposes of clause 23 of this guideline. Before long service leave is granted, a report on the employee's state of health may be obtained from a medical practitioner selected by the PWSS.
22. The maximum continuous absence that can be approved as personal/carer's leave to count as service due to non-compensable illness or injury is 52 weeks, unless the employee still has paid personal/carer's leave credits remaining in which case the employee can use that paid personal/carer's leave in accordance with usual procedures. Other paid or unpaid leave granted during the absence due to personal illness or injury does not break continuity for the 52-week period under this paragraph. Absence due to illness or injury after 52 weeks continuous absence may be granted as leave without pay and will not count as service for any purpose.
23. Where an employee has been absent continuously due to illness for more than 52 weeks and subsequently wishes to return to duty, the employee must first be examined by a medical practitioner selected by the PWSS to confirm their fitness for duty.

Unpaid carer's leave

- Enterprise Agreement clause 47

24. Unpaid carer's leave is available for all employees where personal/carer's leave is unavailable. It can be taken as one continuous period or in separate periods agreed between the employee and employing parliamentarian.

Compassionate leave

- Enterprise Agreement clause 48

25. Compassionate leave may be used in addition to other leave types.

26. An employee taking compassionate leave must give their employing parliamentary notice as soon as practicable (this may be after the leave has started). The employee must tell the employing parliamentary of the period, or expected period, of the leave.
27. An employee entitled to compassionate leave as a result of pregnancy loss is also entitled to pregnancy loss leave under clause 55.19 of the Enterprise Agreement.
28. Provision of evidence for compassionate leave is at the employing parliamentary's discretion.

Bereavement leave

► Enterprise Agreement clause 49

29. An employee taking bereavement leave must give their employing parliamentary notice as soon as practicable (this may be after the leave has started). The employee must tell their employing parliamentary of the period, or expected period, of the leave.
30. An employee entitled to bereavement leave as a result of a stillbirth is also entitled to stillbirth leave under clauses 55.16 to 55.18 of the Enterprise Agreement.
31. Provision of evidence for bereavement leave is at the employing parliamentary's discretion.

Community service leave

► Enterprise Agreement clause 50

32. An employee who wishes to access community service leave must provide their employing parliamentary with notice of the leave for community service activities as soon as practicable before or after the leave has started and advise the employing parliamentary of the period, or expected period, of leave.
33. An application for community service leave must include evidence that the employee is engaging in an eligible community service activity.
34. Where an employee, other than a casual employee, undertakes jury service, the employee must provide evidence to Finance:
 - a. that the employee has taken all necessary steps to obtain any amount of jury service pay to which the employee is entitled; and
 - b. of the total amount (even if it is a nil amount) of jury service pay that has been paid, or is payable to the employee for the period.

Where the above evidence is not provided, the employee will not be paid community service leave. Where the evidence is provided, the employee's pay will be reduced by the total amount of jury service pay that has been paid or is payable.

Miscellaneous leave

► Enterprise Agreement clause 51

35. Miscellaneous leave may be accessed where an employee is affected by or at risk of experiencing family and/or domestic violence (refer to [Attachment A](#)) for all employment types (including casual).
36. Paid miscellaneous leave may be approved by the employing parliamentarian without also requiring approval from the PWSS in the following circumstances (subject to the stated time limits):

Reason for leave request	Reasonable period of absence
Moving house, including approved relocations between localities	1 day
Graduation ceremony for a course approved for studies assistance under the Enterprise Agreement	1 day
Time to attend a funeral of a family member (including but not limited to an immediate family member) household member or friend (Note: this is in addition to 3 days' bereavement leave in accordance with clause 49)	1 day
Attending to duties and other arrangements relating to the death of a family member (including but not limited to an immediate family member), household member or friend (e.g. an executor of a will; cultural, ceremonial or religious duties)	2 days
Flooding, bushfires, other natural disasters	up to 3 days
Workplace relations training where an employee is a delegate of an employee organisation.	5 days per year
Family and/or domestic violence	Refer to Attachment A

37. The employing parliamentarian should not unreasonably refuse to approve a request by the employee to take paid miscellaneous leave for reasons specified above.
38. Where the employing parliamentarian considers there are other circumstances where it may be appropriate to approve paid miscellaneous leave, or where the duration of such leave exceeds the periods described above, the approval is subject to both the employing parliamentarian and the PWSS.
39. An application for miscellaneous leave must state the reason for the leave, and appropriate supporting evidence or explanation must be attached to the application form.
40. An employee who accesses miscellaneous leave for workplace relations training must submit the application approved by their employing parliamentarian to the PWSS as soon as possible before the course or seminar occurs, accompanied by evidence that the employee will be attending the course or seminar (e.g. a course booking receipt).

Cultural, Ceremonial and NAIDOC leave

► Enterprise Agreement clause 52

41. 'Immediate family' under clause 11 of the Enterprise Agreement includes traditional kinship, where there is a relationship or obligation, under the customs and traditions of the community or group to which the employee belongs.

42. For the purposes of clause 52 of the Enterprise Agreement, the provision of paid leave for:

- a. NAIDOC week activities;
- b. First Nations Ceremonial Leave; and
- c. Cultural Leave;

are separate entitlements, where the use of one of these types of leave will not subtract from the balance of another of these types of leave, regardless of where the leave may be deemed as applicable to multiple types of the above leave.

43. As an administrative arrangement, cultural, First Nations Ceremonial and NAIDOC leave may be used at half pay on the basis that one day of the leave is equivalent to two days of that leave at half pay.

44. The provision of evidence for cultural, First Nations Ceremonial and NAIDOC Leave is at the employing parliamentarian's discretion.

45. Employees that have cultural and/or Ceremonial duties when an immediate family member or household member contracts or develops a personal illness that poses a serious threat to his or her life, or sustains a personal injury that poses a serious threat to his or her life, may access a combination of:

- a. three days of paid compassionate leave;
- b. other paid leave in accordance with the Enterprise Agreement (e.g. annual leave, personal leave, miscellaneous leave); or
- c. leave without pay under clause 56.

46. Employees that have cultural and/or Ceremonial duties following the death of an immediate family member, household member or friend may access a combination of:

- a. 6 days of paid First Nations Ceremonial Leave;
- b. three days of paid bereavement leave;
- c. one day of paid miscellaneous leave to attend a funeral;
- d. two days of paid miscellaneous leave to undertake other duties, including those relating to Sorry Business or kinship responsibilities;
- e. other paid leave in accordance with the Enterprise Agreement (e.g. annual leave, personal leave); or
- f. leave without pay under clause 56.

Other leave

► Enterprise Agreement clause 53

47. Under clause 53.1 of the Enterprise Agreement:

- a. Defence Force Service means enlistment or training (including Reserves, but excluding Australian Army, Navy and Air Force Cadets);
- b. participation in major international multi-disciplinary sporting events means as a competitor representing Australia or as an accredited official at an event such as the Olympic or Commonwealth Games;
- c. courses of study approved under clause 65.3 of the Enterprise Agreement means those courses approved under the studies assistance provisions (refer to separate **Studies assistance guideline**). Computer systems training, the Professional Development Program and ad hoc training are regarded as time on duty;
- d. war service sick leave means leave for returned service personnel for various medical or review purposes under the *Veterans' Entitlements Act 1986*; and
- e. political exchange leave means participation as a delegate on a Political Exchange Program.

48. Other leave is subject to the approval of the employing parliamentarian. An application for other leave must state the reason for the leave, and appropriate supporting evidence or explanation must be attached.

Long service leave

► Enterprise Agreement clause 54

49. An employee must have 10 years of qualifying service before becoming eligible for long service leave.
50. Long service leave accrues at the rate of 3/10ths of a month for each year of eligible service. This means that after 10 years of eligible service, an employee will have accrued three months of long service leave. Long service leave continues to accrue at the rate of 3/10ths of a month for each year of eligible service after 10 years.
51. Long service leave is granted in calendar days (i.e. including weekends and public holidays that fall between the start and the end of the leave).
52. Periods of long service leave must be a minimum of seven consecutive calendar days at full pay or 14 consecutive days at half pay. Periods of long service leave may not be broken by other paid leave, although other paid leave may be used at either or both ends of a period of long service leave.
53. Employees ceasing Commonwealth employment after at least 10 years of eligible service receive payment in lieu of unused long service leave.
54. Employees who are 55 years and over and have at least 12 months of eligible service receive pro rata payment in lieu of long service leave upon cessation of employment.

55. Where the employment of an employee with less than 10 years of service, but at least 12 months eligible service, ceases due to retrenchment or ill health, they will receive pro rata payment in lieu of long service leave. Retrenchment includes any termination of employment due to the operation of the MOP(S) Act.

Parental leave

► Enterprise Agreement clause 55

56. An employee who does not have an entitlement for paid maternity leave under the *Maternity Leave (Commonwealth Employees) Act 1973* (the ML Act) may access parental leave in accordance with clause 55 of the Enterprise Agreement.
57. A pregnant employee may be deemed a 'secondary caregiver' in accordance with the definition within clause 11 of the Enterprise Agreement, provided they have a secondary care responsibility for the child who is born to them. However, they cannot switch between being a primary caregiver and secondary caregiver for the purposes of accessing additional paid leave. The Enterprise Agreement provides for a maximum period of absence up until 24 months from the child's date of birth, known as the 'parental leave period'. An employee may only claim paid parental leave during the timeframe of their parental leave period.
58. A primary caregiver has an entitlement to 18 weeks of paid parental leave under the Enterprise Agreement, which may include 12 weeks of maternity leave under the ML Act, topped up by 6 weeks of parental leave from the Enterprise Agreement. There are no minimum service requirements to access all 18 weeks of paid parental leave under the Enterprise Agreement.
59. A secondary caregiver has an entitlement to 8-18 weeks of paid parental leave in accordance with clause 55.8 of the Enterprise Agreement. There are no minimum service requirements to access this leave.
60. A pregnant employee who has an entitlement under the ML Act should take the first 12 weeks of their paid parental leave as a continuous period of leave so as not to break their entitlement to their maternity leave under the ML Act. The first 12 weeks of their parental leave is paid at a rate in relation to the work pattern in place at the time of the commencement of the absence.

Note: The ML Act component of the maternity leave (12 weeks) can also be taken at half pay on the basis that one day of maternity leave at full pay is equivalent to two days of maternity leave at half pay.

Where an employee has an entitlement under the ML Act that is subsequently removed they remain eligible for parental leave under the Enterprise Agreement for a total of 18 weeks of paid parental leave, regardless of a break in their entitlement under the ML Act (see paragraph 63 below).

61. The Enterprise Agreement allows parental leave to be taken on a half pay basis as an administrative arrangement. Where the leave is taken on half pay, the entire paid leave period will count as service for all purposes.

62. Paid parental leave provided under the Enterprise Agreement may be taken flexibly, and is paid at a rate in relation to the work pattern in place at the time when the leave is used. If the leave is not used in weekly increments, then the balance of the leave will be usable as an entitlement in hours. The operation of the leave is similar to personal/carers leave where employees can apply for it on an hourly basis. Hourly entitlements are prorated in response to changes in working hours.

For example, Suzie has worked for over 12 months with her employing Parliamentarian, meaning she has an entitlement under the ML Act. For the first 12 weeks of her leave, she must take her paid parental leave as a consecutive period of leave. Because Suzie had a part-time work pattern of four days per week, the first 12 weeks of her paid parental leave are paid at the rate of pay that she received at the commencement of her absence.

After the first 12 weeks, Suzie chooses to return to work and use three days of her four-day week as paid parental leave. This allows her to return to work one day per week for 10 weeks, with the rest of the days being used as paid parental leave.

63. Where an employee with an entitlement under the ML Act breaks the first 12 weeks of parental leave in a way which contravenes the ML Act (e.g. by the use of a week of annual leave in between) they will lose their entitlement for maternity leave under the ML Act. However, the employee remains eligible for parental leave under the Enterprise Agreement for a total of 18 weeks of paid parental leave.
64. A pregnant employee who does not have 12 months of eligible service is deemed to not have an entitlement for paid maternity leave under the ML Act and is not required to use paid parental leave immediately as the first paid leave type during their parental leave period. The employee may use their paid parental leave flexibly across the 24 month parental leave period.
65. A pregnant employee is required to absent themselves from duty six weeks before the expected birth of the child. However, subject to providing Finance with written advice from a medical practitioner (a midwife is not a medical practitioner for this purpose) that the employee is fit to continue normal duties, the employing parliamentarian may permit the employee to defer the start of the required absence to the date specified by the medical practitioner.
66. Where the child is born earlier than six weeks before the expected date of birth, the required absence commences on the date of birth and continues for six weeks. In this case, the 24 month parental leave period commences from the date of birth. The employee may also be eligible for premature birth leave until the child reaches 37 weeks gestation in accordance with clause 55.21 of the Enterprise Agreement.
67. A pregnant employee must also absent themselves from duty for six weeks after the date of the child's birth.
68. With the permission of the employing parliamentarian, the employee may resume duty before the end of the required six week absence following the birth of their child,

subject to providing written advice from a medical practitioner (a midwife is not a medical practitioner for this purpose) that the employee is fit to do so.

69. By default, unpaid leave taken after the first 18 weeks and during the parental leave absence is parental leave without pay and does not count as service for any purpose. However, where available, other paid leave (e.g. annual leave or long service leave), can be taken instead and such leave will count as service in accordance with the respective leave type. During this period, if personal/carer's leave is used on account of the ill health of, or injury to, the employee, a medical certificate stating the employee is unfit for duty and indicating the condition from which the employee is suffering must be provided to Finance.
70. Applications for parental leave should be submitted to Finance as soon as possible (preferably three months prior to the expected date of birth) and must be accompanied by a written statement from a medical practitioner or midwife specifying the expected date of birth. Upon receiving the application, Finance will provide written advice to the employee of their entitlements, period(s) of required and maximum absences, impact on superannuation contributions and other related matters.
71. Applications for secondary caregivers must include evidence that the child is born to them (e.g. a birth certificate or statutory declaration).
72. If an employee's employment is terminated by operation of the MOP(S) Act while they are within the parental leave period, or within the period commencing six weeks prior to the expected date of birth (but before the commencement of parental leave), the employee may be entitled to receive a payment in lieu of the remaining paid parental leave which has been scheduled as an absence in accordance with clauses 55.12 and 55.13 of the Enterprise Agreement. This payment will be reduced by any subsequent entitlement to paid parental leave with another employer (e.g. if the employee is an APS employee and continues to be entitled to paid parental leave under the ML Act in relation to the APS employment).
73. If an employee commences employment with another Commonwealth employer after receiving a payment in accordance with clause 55.12 of the Enterprise Agreement, and begins to receive paid parental leave from this new employer as they are still within their paid parental leave period, they are required within 60 days to repay an amount of paid parental leave detailed under clause 55.13 of the Enterprise Agreement. An employee can arrange for repayments to be made in accordance with the 'Debt Recovery' guideline.

For example, Felicity's employing parliamentarian resigned during her parental leave absence. Given that she had only taken seven weeks of paid parental leave, Felicity was entitled to be paid out her remaining 11 weeks of unused paid parental leave.

Six weeks after her termination, Felicity was employed by a different parliamentarian and wanted to take paid parental leave. For any paid parental leave that Felicity wanted to take with her new employer, she would be required to repay the relevant amount that she had already been paid from her previous employment, as the paid parental leave she had received had already met 18 weeks. Noting that she had already been paid her full entitlement to paid parental leave, Felicity chose to take any future leave as unpaid parental leave so that she would not incur a debt.

Adoption and long-term foster care leave

- Enterprise Agreement clauses 55.14 to 55.15

74. In the event of an adoption or long-term foster care, primary and secondary caregivers are entitled to paid parental leave in accordance with clause 55 of the Enterprise Agreement.

Stillbirth and pregnancy loss leave

- Enterprise Agreement clauses 55.16 to 55.20

75. In the event of a pregnancy loss or stillbirth, the parental leave period commences from the date that the occurrence of pregnancy loss or stillbirth is medically confirmed.

76. In addition to pregnancy loss leave, a pregnant employee who experiences pregnancy loss, or an employee whose partner experiences pregnancy loss, may still access three days of compassionate leave per clause 48 of the Enterprise Agreement.

77. In addition to stillbirth leave, a primary or secondary caregiver may still access three days of bereavement leave per clause 49 of the Enterprise Agreement.

78. Stillbirth leave and pregnancy loss leave may be used flexibly within the parental leave period. As an administrative arrangement, stillbirth leave and pregnancy loss leave may be used at half pay on the basis that one day of either type of leave is equivalent to two days at half pay.

79. The pregnancy loss or stillbirth leave that is payable to an employee will be based on the work pattern of the employee as at the date that the event occurred. If the leave is not used in weekly increments, then the balance of the leave will be usable as an entitlement in hours. The operation of the leave is similar to personal/carers leave where employees can apply for it on an hourly basis. Hourly entitlements are pro rata in response to changes in working hours.

Premature birth leave

- Enterprise Agreement clause 55.21

80. The number of workdays between the date of birth of the child, and the last workday prior to 37 weeks' gestation, will be granted as a balance in days of premature birth leave.
81. Premature birth leave may be used flexibly within the parental leave period. As an administrative arrangement, premature birth leave may be used at half pay on the basis that one day of premature birth leave is equivalent to two days of premature birth leave at half pay.
82. In accordance with clause 55.22 of the Enterprise Agreement, an employee with an entitlement under the ML Act must first use their paid leave provided under the ML Act before using any other leave, which includes premature birth leave. Premature birth leave is treated the same as paid parental leave and has no additional constraints over its flexibility of use. In this instance the premature birth leave will be taken after the 12-week ML Act leave period.

For example, Priti gave birth to her child eight workdays before she would have reached 37 weeks' gestation, which then entitled her to eight days of premature birth leave. Because she had an entitlement under the ML Act, Priti took 12 weeks of maternity leave at full pay before then returning to work. Priti decided to return to work three days a week, with the remaining two days being used as parental leave including her premature birth leave. The 30 days (six weeks) of her remaining parental leave, and the eight days of her premature birth leave, allowed Priti to work a pattern of three days per week for 19 weeks before returning to a full-time work pattern.

Probation

83. The usage of paid parental leave entitlement does not extend or waive the existing probation period of an employee and does not prevent its extension in accordance with clause 14.3 of the Enterprise Agreement.

Keeping in touch days

84. An employee is provided a total of 10 keeping in touch (KIT) days per each 12-month parental leave period. Where an employee takes 24 months of parental leave, they are entitled to an additional 10 KIT days.
85. These provisions allow an employee to undertake paid work on a day, provided:
 - a. the purpose of performing the work is to enable the person to keep in touch with his or her employment in order to facilitate a return to that employment after the end of the period of leave (activities such as training days, planning days and conferences would meet this requirement – a KIT day is not intended to enable an employee to perform their normal duties);
 - b. both the person and the employer consent to the person performing work for the employer on that day; and
 - c. the day is not within 14 days after the child was born.

86. Work undertaken under these provisions will not be considered a return to work for the purposes of the Paid Parental Leave scheme.
87. Where an employee exceeds the 10-day limit, the employee is considered to have broken the continuity of their period of unpaid leave and returned to work, and payment under the Parental Leave Pay scheme will cease from that date. However, where an employee, with the agreement of their employer, commences another period of unpaid parental leave immediately after the initial 12 months' leave, the employee may have a second allocation of 10 KIT days.
88. An employee will be paid their usual salary in addition to any payments under the Paid Parental Leave scheme (if applicable) for the hours worked on a KIT day. To enable payment, the employing parliamentarian, or an authorised person of the employing parliamentarian, must notify Finance via the Ministerial and Parliamentary Services Help Desk by email: mpshelp@finance.gov.au.
89. Hours of work on a KIT day are treated as hours of duty and are counted towards the accrual of leave entitlements, including annual leave and personal/carer's leave. Employer superannuation payments and, in some cases, employee superannuation payments will also be payable. As a KIT day is work, it will break the period of approved unpaid leave in which it occurs but does not break the continuity of a period of unpaid leave for the purposes of the *Fair Work Act 2009*.
90. One KIT days is subtracted from the total balance of KIT days regardless of the number of hours worked on the day.

The Paid Parental Leave scheme

► Services Australia – Parental Leave Pay

91. The Paid Parental Leave scheme is administered by Services Australia. All queries and applications for the Paid Parental Leave Scheme should be directed to Services Australia.
92. Payment provided under the Paid Parental Leave scheme is not a leave entitlement, but a payment made to an eligible employee while that employee is on leave.
93. The employee may be on any form of paid or unpaid leave, including parental leave under the ML Act while in receipt of payments under the Paid Parental Leave scheme. If the employee is on paid leave, Paid Parental Leave under the scheme will be paid in addition to the employee's normal pay.

Applications

94. Applications for the Paid Parental Leave scheme must be submitted to Services Australia. Employees can apply for the Paid Parental Leave scheme:
 - a. through **myGov**;
 - b. at any **Services Australia Centre** across Australia; or
 - c. by contacting Services Australia on 13 61 50.

95. Upon receiving an application, Services Australia will assess eligibility against a number of criteria, including: Australian residency status, relationship status, relationship to the newborn or recently adopted child, a work test, and the employee's individual adjusted taxable income received in the previous financial year. Services Australia advises Finance when an employee is eligible for the scheme.

Leave without pay

► Enterprise Agreement clause 56

96. In considering requests for leave without pay, an employing parliamentarian should take into account matters such as the reason for the request, the effect on the operations of the workplace, and the employee's length of service.
97. Leave without pay does not count as service for any purpose. However, leave without pay of any type of 30 calendar days or less, in an accrual year does not affect the accrual of leave. Any unauthorised absence (an absence not covered by approved leave) of at least one day in an accrual year will affect the accrual of leave. Leave without pay may also affect eligibility for retention payments in accordance with the Enterprise Agreement.
98. Leave without pay does not count as service for the purpose of continuous service as defined within clause 73.3 of the Enterprise Agreement. Leave without pay does not count as service for eligibility for salary increments, with the exception of periods of unpaid parental leave in accordance with 23.10 of the Enterprise Agreement.
99. An application for leave without pay must state the reason for the leave.

Public holidays and annual closedown

► Enterprise Agreement clause 57

100. An annual closedown on the business days that fall between Christmas Day and New Year's Day is available to eligible employees in accordance with clause 57.3 of the Enterprise Agreement.
101. Employees who are temporarily working away from their work base observe any public holidays applicable to the temporary location and/or observe any public holidays at their work base which may occur during that period in accordance with clause 57.1 of the Enterprise Agreement.
102. No payment is made for public holidays occurring during leave without pay. However, employees will be paid for a public holiday where a period of leave without pay ceases prior to a public holiday (or consecutive public holidays) or where a period of leave without pay commences immediately after a public holiday. For the purposes of this paragraph, the public holidays from Christmas Day to New Year's Day inclusive are regarded as consecutive.
103. Public holidays during annual or personal/carer's leave are not deducted from leave credits.

104. Where an employee is absent on both the day before and the day after a public holiday, the public holiday is paid at the same rate as that of the leave. Where different rates of pay apply before and after the public holiday, the public holiday is paid at the higher rate (e.g. if absent on annual leave at half pay on the day before a public holiday and on leave without pay the day after the public holiday, then the public holiday is paid at half pay).
105. Casual employees are paid for the hours recorded on their casual employment agreement for a day that is a public holiday or annual closedown day. Casual employees are not paid for a day that is a public holiday or annual closedown day if that day is not recorded on their casual employment agreement.

Substitution of public holidays

- Enterprise Agreement clauses 57.2 and 57.4
106. Where an employee is required to work during the annual closedown, the employee must request and take the associated paid time off prior to 31 March in the flowing year.
107. Where an employee accesses paid time off for ordinary hours worked during the annual closedown in accordance with clause 57.4 of the Enterprise Agreement, the paid time off is taken at full pay and cannot equal more hours than the ordinary hours worked during the annual closedown.
108. Where this paid time off (per clause 57.4 of the Enterprise Agreement) is not taken prior to 31 March, the entitlement is lost.
109. An employee may substitute a public holiday by working on a day listed under clause 57.1 of the Enterprise Agreement and taking an alternate day off. The employee must request this arrangement with their employing parliamentarian prior to the public holiday. The request must include the date of the absence the employee is requesting in substitution for the public holiday. This date must be within 12 months of the actual public holiday.
110. Applications are made via the **Substitution of Public Holiday Notification Form** which is submitted to **MOPSPayandConditions@finance.gov.au** for processing. A copy of this form will also be submitted to the parliamentarian/Authorised Officer for their formal approval.
111. An employee may be requested to work by their employing parliamentarian with consideration of the employee's right to disconnect and the reasonableness of the request.
112. An employee may refuse to work a public holiday if the refusal is reasonable, with consideration of section 114 of the *Fair Work Act 2009* (sufficient time provided for consideration of the request, requested by employing parliamentarian in the form of a question, and consideration of the National Employment Standards).

Attachment A – Family and domestic violence policy

Purpose

1. This Policy provides a framework for employing parliamentarians, colleagues and the Parliamentary Workplace Support Service (PWSS) to support employees who experience family and domestic violence. Employees who are experiencing, or who are at risk of experiencing, family and domestic violence are encouraged to seek support from the workplace. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.
2. This Policy also acts as a guide for managers and colleagues in supporting employees whose work life is affected by family and domestic violence. It outlines support available within and outside the workplace for employees, their managers, and their colleagues.

Introduction

3. Family and domestic violence is abusive behaviour in an intimate relationship that puts one person in a position of power over another and causes fear through coercion and control. Statistically, family and domestic violence is most likely to be committed against women. Family and domestic violence can include, but is not limited to:
 - a. physical violence;
 - b. sexual assault or other sexually abusive behaviour;
 - c. emotional or psychological abuse;
 - d. verbal abuse;
 - e. spiritual or cultural abuse; or
 - f. economic or financial abuse.
4. Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.
5. It is important to recognise the potentially devastating impact that family and domestic violence can have on the lives of those who experience it, including their capacity to work and their financial security. The PWSS, employing parliamentarians and colleagues are committed to supporting employees who experience family and domestic violence and providing a workplace environment that is supportive and promotes flexibility in times of need.

Immediate danger

6. If you are feeling unsafe in the workplace right now, call 000.

Confidentiality

7. Information about a family and domestic violence situation should be handled similarly to other personal and health information.
8. Employing parliamentarians, managers and colleagues must maintain appropriate confidentiality in regard to the personal information of employees. Discussions with the employing parliamentarian, managers or the PWSS will be on a strictly need-to-know basis.
9. All records held by the PWSS are to be kept securely and confidentially according to the PWSS's **Privacy Policy**.
10. Discussion should not include personal information without obtaining prior consent from the employee. However, the Australian Privacy Principles permit the use and disclosure of personal information in certain circumstances including lessening or preventing a serious threat to life, health or safety, or taking appropriate action in relation to suspected unlawful activity or serious misconduct.

Roles and responsibilities

Employees

11. Employees who wish to access any of the support available within the workplace can contact any of the following people:
 - a. their employing Parliamentarian;
 - b. their Chief of Staff or manager;
 - c. a trusted colleague; or
 - d. the PWSS.
12. Employees can also seek assistance from an external service. A list of services, including 24hour support services, and their contact details can be found at the end of this Policy.
13. Employees experiencing family and domestic violence may choose to disclose their situation to a trusted colleague. Where such information is disclosed, the colleague should provide support to the employee by:
 - a. listening without judgement and respecting their decisions;
 - b. maintaining appropriate confidentiality;
 - c. encouraging them to seek help from a family and domestic violence support organisation; and

- d. referring them to this Policy, the Employee Assistance Program, or any of the external support services listed at the end of this Policy.
- 14. Where the colleague is concerned about the employee's health and safety, they should speak to the PWSS.
- 15. Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace, including through the Employee Assistance Program or an external support service.

Employing parliamentarians and managers

- 16. Employing parliamentarians and managers are responsible for ensuring employees are aware of this Policy, and providing support, consistent with this Policy, to employees affected by family and domestic violence. They may also be required to coordinate support with the PWSS for an employee experiencing family and domestic violence.
- 17. Where an employing parliamentarian or manager is concerned about the wellbeing of an employee, they should discuss their concerns with the employee, encouraging them to use the assistance available if needed, and/or consult with the PWSS.
- 18. Where family and domestic violence raises work health and safety concerns, employing parliamentarians and managers should discuss these with the PWSS.
- 19. Employing parliamentarians and managers should facilitate support for an employee to the fullest extent possible in the workplace.
- 20. If a manager needs support as a result of an employee disclosing family and domestic violence to them, they can also contact the Employee Assistance Provider or one of the external support services listed below.

The Parliamentary Workplace Support Service

- 21. PWSS is responsible for providing advice to employing parliamentarians, managers, colleagues and employees about this Policy.
- 22. PWSS will assist to coordinate workplace support for employees affected by family and domestic violence. This may include:
 - a. developing a safety plan with the employee; and
 - b. advising and liaising with the employee's employing parliamentarian and/or manager.

Support

23. Employees experiencing family and domestic violence may require a range of support. This may include:
- a. access to leave entitlements in accordance with the *Commonwealth Parliamentarians of Parliament Staff Enterprise Agreement 2024-27* (the Enterprise Agreement) (see clause 71);
 - b. flexible working arrangements (see clause 18);
 - c. contact with police on the employee's behalf, where appropriate;
 - d. flexibility in performance management—family and domestic violence should be acknowledged as a potential mitigating factor if performance has been affected. Employing parliamentarians and managers should:
 - i. continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations, and development opportunities of that performance cycle;
 - ii. with assistance from the PWSS, offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances;
 - e. referral to external support through the Employee Assistance Program; and
 - f. any other measures or changes to normal arrangements that are considered appropriate.

Leave

24. Leave is provided in accordance with the Enterprise Agreement.
25. The Enterprise Agreement contains leave entitlements designed to provide maximum support that is appropriate to individual circumstances in order to assist employees and allow them flexibility to deal with personal crises, such as being affected by family and domestic violence.
26. A flexible and supportive approach should be taken to management of leave for employees affected by, or at risk of experiencing, family and domestic violence.

Paid Miscellaneous Leave

27. Employees who are affected by, or at risk of experiencing, family and domestic violence may be granted paid miscellaneous leave in accordance with clause 51 and 71.4 as required of the Enterprise Agreement for reasons including:
- a. moving into emergency accommodation and seeking more permanent safe housing;
 - b. attending dispute resolution or court proceedings;
 - c. attending police appointments;

- d. accessing legal advice;
 - e. organising alternative care or educational arrangements for their children;
 - f. reasonable recovery periods; and
 - g. any other circumstances associated with family and domestic violence.
28. Leave applications can simply be stated as being for 'Miscellaneous leave—Other'.
 29. The leave taken will not be recorded on the employee's payslip to maintain confidentiality of records.
 30. An employee does not have to use their paid personal/carer's leave before they apply for paid miscellaneous leave where paid miscellaneous leave is the most appropriate leave type available for the employee's circumstances.

Paid Personal/Carer's Leave

31. Paid personal/carer's leave in accordance with clause 46 of the Enterprise Agreement should be used:
 - a. for personal illness or injury of the employee resulting from family and domestic violence;
 - b. to provide care or support to a family/household member for personal illness or injury resulting from family and domestic violence; or
 - c. to provide care or support to a family/household member who is affected by an unexpected emergency resulting from family and domestic violence.
32. There may be related circumstances where it would ordinarily be appropriate for an employee to use paid personal leave (e.g. to attend medical or counselling appointments).
33. Leave applications can simply be stated as being for 'Personal illness or injury', 'Carer's leave (illness/injury)' or 'Carer's leave (emergency)' as appropriate.

Approving and recording absences

34. Paid miscellaneous leave may be approved by:
 - a. the employing parliamentarian or authorised person; or
 - b. PWSS in circumstances where:
 - i. it would not be appropriate for the employee to obtain approval for the leave from the employing parliamentarian or authorised officer; or
 - ii. the employee has been unable to obtain approval for the leave from the employing parliamentarian or authorised officer.
35. Evidence of family and domestic violence may be required to apply for paid miscellaneous leave. Evidence may be in the form of a document which attests to the existence of a family and domestic violence circumstance applying to the employee issued by a health professional or counsellor, a professional from a family and domestic violence or related support service, a Court, the Police, or legal practitioner, or may be in the form of a statutory declaration. Once sighted by the leave approver,

evidence will not be kept on an employee's personnel record. The recording of absences will balance the privacy of the employee and the need to monitor and report on leave usage.

36. In circumstances where the PWSS has approved paid miscellaneous leave, to balance the employee's privacy and ensure employing parliamentarians and managers are aware of the employee's attendance, the PWSS may liaise with the employing parliamentarian or manager to ensure that limited information on employee absence is provided on a strictly need-to-know basis (e.g. that 'Miscellaneous Leave—Other' has been approved).
37. For paid personal leave, the employing parliamentarian or authorised person can approve the leave. Consistent with the use of such leave, the evidence requirements remain at the discretion of the employing parliamentarian.

Other leave options

38. An employee's access to paid miscellaneous leave and paid personal leave for reasons of family and domestic violence does not prevent them from also choosing to access any other leave type to which they are entitled in accordance with the Enterprise Agreement.

Flexible working arrangements

39. Under the National Employment Standards, an employee experiencing violence from a member of the employee's family has a right to request flexible working arrangements. These requests can only be refused on reasonable business grounds. Such requests could include:
 - a. changes of hours, or patterns of hours, to allow the employee to meet family commitments;
 - b. changes to work location; or
 - c. changes to employment duties where this is able to be identified (e.g. moving to a non-public facing role).
40. Flexible working arrangements are subject to any existing approval requirements.
41. The PWSS is able to provide confidential guidance and support to an employee in relation to possible flexible working arrangements, where their existing working arrangements are not appropriate.

Perpetrators of family and domestic violence

42. The workplace may include not only employees who are victims of, or affected by, family and domestic violence, but also perpetrators—and this must also be handled appropriately and sensitively.
43. Any employee who:

- a. threatens, harasses or abuses a partner, ex-partner, family or household member at, or from, work; or
- b. uses workplace resources such as phones or email to threaten, harass or abuse a family or household member,

may be investigated in accordance with the relevant policy.

44. An employee suspected of perpetrating violence will also be referred to the relevant support services, including the **Employee Assistance Program**.
45. Family and domestic violence is a criminal offence and is subject to the relevant state or territory laws. The police should be notified of any incidents of family and domestic violence in the workplace.

Further assistance

46. If you or someone you know is experiencing family and domestic violence, or you simply want to find out more, the following external services are available to provide information and assistance:
 - **1800Respect** – National sexual assault, domestic family violence counselling service: 1800 737 732
 - **Employee Assistance Program**
 - **Lifeline**: 13 11 14 — 24-hour crisis support and referral
 - **Relationships Australia**: 1300 364 277
 - **Mensline**: 1300 789 978
 - **EveryMan**: 6230 6999
 - **Services Australia Family and Domestic Violence Services**
 - **Department of Social Services – Family Safety Information**
 - **Domestic Violence Crisis Centre**
 - **Australian Institute of Health and Welfare**
 - **Safesteps**
 - **Australian Indigenous Health Infonet – Family safety**
 - **Another Closet – Domestic and Family Violence in LGBTIQ Relationships**
 - **BeyondBlue**
 - **Financial Counselling Australia**

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