

By-Law 12 - Parental Leave

ELIGIBILITY FOR PARENTAL LEAVE

12. (1) The Chief Executive Officer shall grant to a female employee who has used maternity leave under By-law 11, parental leave without pay for any period commencing at the expiration of the period of maternity leave granted under By-law 11(2), up to the child's sixth birthday.
12. (2) Subject to clause (3), an employee who is adopting a child under 6 years of age may apply for parental leave without pay for any period commencing 2 weeks before the date of adoption, up to the adopted child's sixth birthday.
12. (3) Where both adopting parents are employees, they shall not both be eligible for parental leave without pay under this By-law during the same period, but may utilise parental leave in accordance with clause (5).
12. (4) Where both parents are employees and the female employee utilises maternity leave under By-law 11, the male employee shall be eligible to apply for parental leave without pay under this By-law, subject to approval by the Chief Executive Officer.
12. (5) Where both parents are eligible for parental leave, they may apply for alternating periods of leave where the first interchange may be made at any time and subsequent interchanges shall be for a period not less than 12 months unless otherwise approved by the Chief Executive Officer.
12. (6) Except where granted under clause (23), when the continuity of parental leave is broken by both parents resuming duty neither parent shall be eligible to recommence parental leave in respect of the child.

DOCUMENTS IN SUPPORT OF ADOPTION

12. (7) An employee shall furnish to the Chief Executive Officer the following documents in support of an application for parental leave in respect of adoption as soon as they become available
 - (a) the adoption papers as proof of eligibility; and
 - (b) the child's birth certificate or extract to determine the maximum extent of leave under this By-law.

INFANT DEATH

12. (8) Where an employee's child dies during the period of parental leave granted in accordance with this By-law, the leave shall cease on the date of the child's death and the employee shall be deemed to be on leave without pay.

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12. (9) Leave without pay referred to in clause (8) does not count as service for any purpose.
12. (10) An employee may, within one month after the child's death, apply for unpaid or other available paid leave to apply from the date of the child's death which may be granted to commence retrospectively.
12. (11) Where an employee on parental leave at the time of the child's death does not apply for leave under clause 10, the employee shall resume duty one month after the date of the death.

EXTENSION OF LEAVE ON PREGNANCY

12. (12) Where an employee again becomes pregnant during a period of parental leave, the period may be extended until the sixth birthday of the child of the subsequent pregnancy.
12. (13) Where an employee becomes pregnant during a period of parental leave, being a period of duty as a result of interchange, and the other parent is utilising the interchange provisions away from duty, the parental leave entitlement for the male employee, in respect of the first child, ceases immediately the female employee commences maternity leave in respect of the subsequent pregnancy.

NOTIFICATION OF INTENTION TO APPLY FOR LEAVE OR RETURN TO DUTY

12. (14) An employee shall give to the Chief Executive Officer notification in writing of his or her intention to apply for leave under this By-law not less than 3 months before the commencement of leave or, in respect of adoption, as soon as the date of adoption is known.
12. (15) Where an employee intends to return to duty prior to the expiration of the leave originally approved, the employee shall give the Chief Executive Officer, within a period determined by the Chief Executive Officer, notification of the intention to return to duty.
12. (15A) Any return to duty under clause (15) is at the discretion of the Chief Executive Officer.

EFFECT OF PARENTAL LEAVE ON SERVICE

12. (16) Parental leave without pay shall not count as service for any purpose but shall not constitute a break in continuity of service.

USE OF OTHER LEAVE DURING PARENTAL LEAVE

12. (17) An employee may utilise -
 - (a) accrued and pro rata recreation leave; and
 - (b) long service leave available,at the commencement of a period of parental leave under normal conditions relevant to the leave utilised.
12. (18) Where an employee utilises pro rata recreation leave, it shall be calculated to the end of the period of paid leave (including recreation and long service leave if applicable) to include all completed months of service at that time.

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12. (19) For the purposes of clause (18), service in respect of any period of leave without pay which counts as service shall be included in the calculation.

CONDITIONS OF CERTAIN LEAVE WITHOUT PAY

12. (20) An employee who has commenced parental leave without pay shall not be entitled to break the period of leave without pay with periods of paid leave including sick leave.
12. (21) Where an employee does not utilise his or her accrued leave credits before commencing parental leave without pay, the credits shall be frozen until such time as the employee resumes duty either on an interchange basis or at the expiration of parental leave, ceases to be an employee of the Public Sector.

CONDITIONS ON RESUMPTION OF DUTY

12. (22) An employee who has resumed duty under the interchange provisions may utilise recreation leave, including pro rata recreation leave, sick leave and/or long service leave at any time during that period of duty or following that period in accordance with the provisions that apply to the type of leave utilised, notwithstanding that the other parent may be on parental leave without pay at the same time.

EMPLOYMENT WHILE ON PARENTAL LEAVE

12. (23) Subject to the Chief Executive Officer's approval, an employee on parental leave may return to duty for any period with the Agency, or another Agency.
12. (24) An employee on parental leave may engage in outside employment in accordance with section 61 of the Act.
12. (25) Employment under clause (23) or (24) shall -
- (a) not prevent the employee from recommencing parental leave; and
 - (b) not extend the maximum prescribed period of parental leave under clauses (1) or (2).
12. (26) Omitted

RETURN TO DUTY - EMPLOYER'S RESPONSIBILITY

12. (27) The Chief Executive Officer shall, in writing, advise an employee of this By-law before the employee commences parental leave.
12. (28) Where an employee returns to duty after parental leave he or she shall, subject to clause (29), be reinstated in the Public Sector at the level held by the employee before he or she commenced maternity or parental leave.

12. (29) Where an employee cannot be placed in a permanent vacancy at the level held by the employee before commencing maternity or parental leave because of the non availability of vacancies, lack of retention of skills or for any other reason, the Chief Executive Officer may take action under the relevant redeployment procedures.

By-law 13 - Bereavement Leave

ENTITLEMENT

13. (1) The Chief Executive Officer may grant to an employee paid leave for a maximum of 3 days on the occasion of the death of an immediate family member or other person approved by the Chief Executive Officer.
13. (2) For the purposes of this By-law, "immediate family member" in relation to an employee means the spouse, parent, brother, sister or child, and includes the child or parent of the employee's spouse or de facto spouse.

By-law 14 - Defence Force Leave

ENTITLEMENT

14. (1) Subject to this By-law, the Chief Executive Officer may grant an employee not more than 4 weeks paid leave each year to engage in or undertake training in the Australian Defence Forces.
14. (2) The Chief Executive Officer shall not grant leave under this By-law unless the employee produces to the satisfaction of the Chief Executive Officer, advice of the requirement for his or her attendance and the dates of the attendance
14. (3) The whole of the period of leave under clause (1) shall count as service for all purposes.

READY RESERVE SCHEME - FULL TIME SERVICE

14. (4) An employee who has been accepted as a member of the Ready Reserve Scheme of the Commonwealth may apply for leave to their Chief Executive Officer who may grant leave without pay for the period of full time military duty applicable to the Scheme.
14. (5) During the period of duty referred to in clause (4), an employee shall not have access to any accrued entitlements or conditions of service.
14. (6) The whole of the period of leave without pay to engage in full time training granted under clause (4) shall count as service for the purpose of long service leave only.

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