



Miscellaneous Leave Guidelines

A handwritten signature in black ink, appearing to be 'Daryl Karp', located below the title.

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Director

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Version control

Version	Date	Author/Reviewer	Summary of changes	Status
V2.0	February 2021	People and Strategy	Review	Draft
V2.1	April 2021	All Staff	Review & Comment	Draft
V2.2	June 2021	EMG	Review & Comment	Draft
V2.3	June 2021	Director	Endorse/signature	Final

Team responsible for overview and updates of the policy:

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1. General information

The following guideline outlines the process, roles and responsibilities on the use and approval of miscellaneous leave. The agency recognises that there may be circumstances where employees need to access leave that is not covered under other forms of leave. Miscellaneous leave may be granted under such circumstances, having regard to operational requirements.

Employees are encouraged to discuss their leave requirements as early as possible with their manager to assist with planning and managing the operational requirements of their work area.

2. Authority/Delegation

The delegation will depend upon the type of miscellaneous leave requested. For further details refer to the Human Resource Delegations.

3. Miscellaneous leave – with pay

The below is an indicative list of some of the circumstances in which miscellaneous leave with pay may be granted.

Purpose of leave	With pay	Summary of provision / limit of leave which may be approved
Attend international sporting events	With pay	Applicable only to an employee who is an accredited official or competitor to attend a significant international sporting event, as determined by the Agency Head (delegate) on a case-by-case basis.
Attend jury service	With pay	As necessary - provision of proof of duration and attendance required.
Disaster situations	With pay	May be granted when an employee's home or contents have been destroyed or significantly damaged by a disaster. Limit of four (4) days, but may be extended by the Agency Head (delegate) at the end of that period in exceptional circumstances.
Donate blood	With pay	As necessary
Returned soldiers for medical purposes etc.	With pay	Subject to presentation of satisfactory evidence of the need for such leave: two (2) weeks every 12 months
Attendance at industrial proceedings	With pay	An employee required, by the Fair Work Commission, to attend industrial proceedings will be granted leave. Leave is not to be granted to more than two (2) representatives of a union at a time in respect of any one proceeding.
War service related illness / injury	With pay	Up to nine (9) weeks non-accumulative. Up to an additional nine (9) weeks at a rate of three (3) weeks

Purpose of leave	With pay	Summary of provision / limit of leave which may be approved
<ul style="list-style-type: none"> • Attend to legal matters. • Accompanying immediate family with, legal or other personal matters. • Completing administrative and legal procedures relating to adoption. • Moving House. • Attend urgent household matters or repairs. • Attending cultural or religious obligations, including observance of religious holidays which are not formally designated as public holidays in the agreement. • Attending National Aboriginal and Islander Day Observance Committee (NAIDOC) ceremonies. • Attending graduation ceremonies. 	With pay	A maximum of two days in total may be taken in a 12 month period for the reasons listed. Note: more leave may at the discretion of the delegate.

Miscellaneous leave with pay counts as service for all purposes. The purpose of the leave and the limit of leave is shown below. The following may be with or without pay depending on the circumstances:

Purpose of leave	Pay	Summary of provision / limit of leave which may be approved
Witness in legal proceedings	With pay / without pay	Period required to attend, to give evidence in legal proceedings.

4. Miscellaneous leave – without pay

Miscellaneous leave without pay does not count as service, unless otherwise authorised in writing at the time of approval. The purpose of the leave and the limit of leave is shown below:

Purpose of leave	Without pay	Summary of provision/limit of leave which may be approved
Accompany spouse/ partner on a Commonwealth posting or a posting in the interests of the Commonwealth	Without pay	<p>Maximum period is the period during which the employee's spouse/partner is required to perform the duties of the posting. Leave may be granted where the spouse/partner is:</p> <ul style="list-style-type: none"> • The holder of a Commonwealth office; • Employed by the Commonwealth; • Employed by an authority of the Commonwealth; • Employed by a body corporate incorporated under a state or territory law, in which the Commonwealth has a controlling interest; or • Employed in a capacity that is directly relevant to Australia's national interest (e.g. United Nations agency) and is posted by their employer.
Employment in the interests of the service	Without pay	Agency Head (delegate) must be satisfied that the employment is in the interests of the APS and no conflict of interest exists. A one (1) year maximum period.
Personal reasons	Without pay	Limit of one (1) year, but may be extended by the Agency Head (delegate) at the end of that period in accordance with agency guidelines. Will not normally be granted for the purposes of trying out a second career.

5. Miscellaneous leave – without or without pay

The following may be with or without pay depending on the circumstances:

Purpose of leave	Pay	Summary of provision / limit of leave which may be approved
Leave for local government purposes	With pay / without pay	<p>May be granted to an employee who is a duly elected office holder of a local government council:</p> <ul style="list-style-type: none"> for a maximum period of three (3) days in any 12 months period, to enable them to attend formal meetings of council; or if they are mayor/president of the council, five (5) days in any 12 month period, to enable them to attend to the duties of the local government office. <p>NB: the 12 months period starts on the date or anniversary of the date the employee becomes an office holder, or mayor/president of the council.</p>

Where a public holiday falls during a period in which an employee is on miscellaneous leave without pay, the employee will not be paid for the public holiday.

6. Requesting miscellaneous leave

Miscellaneous leave is not an automatic entitlement and is subject to delegate approval. Applications are considered on a case by case basis and are subject to operational requirements. Miscellaneous leave will not be granted where another form of leave is more appropriate.

Requests for all miscellaneous leave should initially be discussed with an employee's immediate manager. Where possible an employee requesting miscellaneous leave should provide the maximum amount of notice possible to the delegate.

7. Granting miscellaneous leave

The delegate will consider the following when approving miscellaneous leave:

- the reasons for the leave and the employee's circumstances
- if another type of leave would be more appropriate (miscellaneous leave should not be granted where another form of leave is more appropriate)
- any personal or professional development opportunity
- any benefits to the agency, the Commonwealth or the community in general
- the impact the absence will have on operational requirements
- the employee's length of employment with the agency

Where an employee requests miscellaneous leave without pay in order to undertake work outside the APS, potential conflicts of interest will be considered. Approval for miscellaneous leave in such circumstances will only be given where the delegate is of the opinion that the outside employment would not conflict with the employee's official duties or interfere with his or her performance of those duties (refer to the Engagement in Outside Employment Guidelines).

It is important that managers consider and plan for the return of an employee from miscellaneous leave. When returning from paid or unpaid miscellaneous leave, an employee will return to their home branch.

8. Extending miscellaneous leave

Applications to extend a period of miscellaneous leave in accordance with clause three, will only be considered in special circumstances.

All requests to extend miscellaneous leave must be initially sent to the HR section by letter or email. The HR section will liaise with the relevant delegate. The delegate may contact the employee directly to discuss the request. If the request is approved, the HR section will forward the approved request to the payroll team for processing.

The delegate will consider the current circumstances and operational requirements of the section prior to approving any extensions. Long periods of miscellaneous leave for 12 months or more can impact the agency's operational requirements and its ability to plan over the longer term. Depending on the reason for the leave, at some point, the employee must consider his/her intentions to continue employment with the agency.

9. Returning from miscellaneous leave

Where appropriate, an employee should contact their supervisor at least four weeks before returning from an approved period of miscellaneous leave.

Supporting documentation

[Engagement in Outside Employment Guidelines](#)

[Fair Work Act 2009](#)

[Old Parliament House Enterprise Agreement 2017-2020](#)

[Old Parliament House Instrument of Humans Resources Delegation](#)